

AGENDA

BOARD OF MAYOR AND ALDERMEN

October 17, 2006

**7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. Mayor Guinta welcomes State Senator Lou D'Allesandro and a delegation from Wales.
4. A brief presentation by Messrs. Robert MacKenzie and Paul Borek relative to the future development of rail transportation in southern New Hampshire.

CONSENT AGENDA

5. Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under Supervision of the Department of Highways

- A. PSNH Pole Petition #11-1120 located on Coldwell Street.

Informational – to be Received and Filed

- B. Communication from members of the Quality Council expressing their gratitude to the Board for its generous contribution to help defray costs for the 2nd Annual Employee Appreciation BBQ.

- C. Minutes of the Mayor's Utility Coordinating Committee meeting held on September 20, 2006.
- D. Communication from the NHDES, Dam Bureau advising that it has been determined that the storm water detention basins (outlined herein) are now exempt from future regulation related to dam safety provided that the structure remains in its current configuration.

REFERRALS TO COMMITTEE

COMMITTEE ON FINANCE

E. Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- F. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$10,000 for the FY2005 CIP 613205 Downtown & Economic Strategies Project, and for such purpose a resolution and budget authorization has been submitted.
(Unanimous vote)

- G. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$70,000 for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program, and for such purpose a resolution and budget authorization has been submitted.
(Unanimous vote)

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- H. Recommending that updates be made to the Public Health Director class specification and for such purpose an ordinance is submitted for adoption.
(Unanimous vote)
- I. Recommending that revisions to Ordinance 33.047 (Probationary Period) and Ordinance 33.048 (Advancements Within Pay Range) be approved and for such purpose Ordinances are submitted for referral to the Committee on Bills on Second Reading for technical review.
(Unanimous vote)
- J. Recommending that a request to amend the Deferred Compensation Plan relative to allowing participants to borrow money from their account as now allowed by the IRS be granted and approved.
(Unanimous vote)
- K. Recommending that two Fire Department staff members (Lacey) Equipment Mechanic II and (Gillis) Electronic Systems Technician I, certification request for certification that their positions conform to RSA 100-A:1, VIII and meet the definition of “permanent fireman” be granted and approved.
(Unanimous vote)

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA,
A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE
APPROVED.**

6. Nominations to be presented by Mayor Guinta, if available.
7. Confirmation of the nomination of Saheed Dahar to succeed Matthew J. LaPointe as a member of the Board of Trustees of Trust Funds, term to expire January 2008.
A motion is in order to confirm the nomination as presented.
8. Confirmation of the nomination of Marc Montville to succeed Michael Rockwell as the labor representative to the Safety Review Board.
A motion is in order to confirm the nomination as presented.
9. Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
10. Mayor Guinta calls the meeting back to order.

OTHER BUSINESS

11. Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?
12. State Legislative update presented by Mayor Guinta, if available.
13. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.
(Note: Clerk to present amount at meeting.)
Ladies and Gentlemen, what is your pleasure?
14. Ordinance: **(A motion is in order to read by title only.)**

“Amending Section 33.026 (Public Health Director) of the Code of Ordinances of the City of Manchester.”

This Ordinance having had the approval of the Human Resources/ Insurance Committee, if the related report has been accepted, a motion is in order that the Ordinance pass and be Ordained.

15. Bond Resolution: (A motion is in order to read by title only.)

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project.”

If the Board so desires, a motion is in order that the Bond Resolution pass and be enrolled.

16. Resolutions: (A motion is in order to read by titles only.)

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program.”

If the Board so desires, a motion is in order that the Resolutions pass and be enrolled.

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

17. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

18. Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)

19. Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”
ought to pass as amended.
(Unanimous vote except for Alderman Gatsas who was absent.)
(Note: Informational meeting has been scheduled for Wednesday, October 25, 2006 at 6:30 PM at the Manchester Water Treatment Plant, 1581 Lake Shore Road.)
(Tabled 10/03/2006)

20. Report of the Committee on Public Safety and Traffic recommending that the Board of Mayor and Aldermen discuss approval of Saturday parking fees.
(Aldermen Osborne, Shea and Roy voted yea. Alderman Long opposed. Alderman O’Neil absent for vote.)
(Tabled 10/03/2006)

21. Report of the Committee on Public Safety and Traffic recommending that the residential parking permit program be extended to include 1382-1414 Elm Street and 1426-1470 Elm Street and for such purpose an Ordinance is submitted with the recommendation that same be referred to the Committee on Bills on Second Reading for technical review.
(Aldermen O’Neil, Shea and Long in favor, Alderman Osborne opposed. Alderman Roy abstained.)
(Tabled 10/03/2006)

22. Report of the Committee on Public Safety and Traffic recommending that two metered parking spaces adjacent to the Manchester Information Center on Merrimack Street be reserved for use by the Granite State Ambassadors. The Committee notes that meters will be bagged for such purpose.
(Unanimous vote)
(Tabled 10/03/2006)

23. Report of the Committee on Public Safety and Traffic recommending that the City hire a Compliance Officer to support Solid Waste issues for the Highway Department.
(Unanimous with exception of Alderman O'Neil who was absent from the vote.)
(Tabled 10/03/2006)

24. **NEW BUSINESS**

- a) Communications
- b) Aldermen

25. Mayor Guinta calls the meeting back to order.

26. If there is no further business, a motion is in order to adjourn.

CITY OF MANCHESTER, NH
PETITION FOR POLE LOCATION LICENSE

POLE LOCATION
FORM NO. 1

September 19, 2006

*To the Hon. Board of Mayor and Aldermen
of the City of Manchester, New Hampshire:*

**PUBLIC SERVICE OF NEW HAMPSHIRE
&
VERIZON NEW ENGLAND, INC.**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across, and under the following public ways:

License one new pole, 531/5Y, located on Coldwell Street in the City of Manchester.

Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with sustaining, strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked "POLE LOCATION PLAN, PUBLIC SERVICE OF NEW HAMPSHIRE and VERIZON NEW ENGLAND".

Plan No. 11-1120

Dated: September 18, 2006

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: Erin Normand
Erin Normand, Plant Records/Licensing

VERIZON NEW ENGLAND, INC.

BY: Glenn Mills
Glenn Mills, Right of Way Department

A



City of Manchester Quality Council

Human Resources Department
One City Hall Plaza
Manchester, New Hampshire 03101
Tel. (603) 624-6543
Fax (603) 628-6065

September 25, 2006

Board of Mayor and Aldermen
c/o City Clerk
1 City Hall Plaza
Manchester, NH 03101

Dear Members of the Board:

On behalf of the City of Manchester Quality Council and the Employee Events Committee, we thank you for your generosity. Your contributions were very much appreciated and helped defray the cost of the event. Our special thanks to those of you who were able to attend the event.

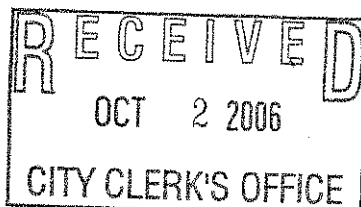
The Quality Council and the Events Committee on behalf of the employees of the City of Manchester truly appreciate your continued support.

Sincerely,


Gene Mackie
Quality Council Chairperson


Anne Hatin
Employee Events Committee


Mike Roche
Event Chairperson



B

MAYOR'S UTILITY COORDINATING COMMITTEE

September 20, 2006

Chairman's Synopsis: Look for finish paving along the lake at the east end of the Candia road job as project managers start to focus on wrapping up the construction season. The Cohas Brook Interceptor is on Pepsi Road, with the next phase to be bid on November 9th. Work in McGregor Street in front of CMC is almost complete. The overlay will be installed before November 1st. Work on Foundry Street continues. Emergency sewer replacement on Beech Street between Harvard and Silver Streets will begin right away.

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The meeting was called to order by Peter Capano at 10:05 AM.

MANCHESTER HOUSING & REDEVELOPMENT

Ward

- #3 157 Chestnut St. – MHRA intends to relocate the offices of the Construction Division from 89 Pine St. to this property. The architectural firm of Dennis Mires, PA has been selected to design the renovations to office space. Design of renovations is in progress. Ferd Construction Inc. has been selected as the Construction Manager for the project. Scheduled to begin work in October.
- #12 French Hall – J.P. Sercel Assoc. (Lazer design/production firm) currently renovating the property for a planned fall '06 occupancy.
- #12 Northwest Industrial Business Park – Oest Engineering continues with the permitting process. Preliminary subdivision design has been reviewed and commented on by staff. Engineers have met with utilities and have begun infrastructure design process. Working toward a subdivision approval in November '06.
- #11 Brown School – Funding for project has been approved. Staff is reviewing number of units proposed from Construction Management firms. North Branch Construction has applied for a building permit. Work could begin in Oct. on the 34 dwelling units of Elderly Housing.
- #3 Jac-Pac – Continuing to look for interim use proposals. CMC has begun parking at the site.

STATE PROJECTS

- #6 Candia Road [Bypass 28-I-93] – R.S. Audley is under contract with the N.H.-D.O.T. for this road reconstruction project which has a two-year construction period. Construction has recommenced.

Ward#

#11 Granite St./F.E.

Everett Trnpk Imprv.

- The NHDOT "C" contract was awarded to Middlesex Corp. of Mass. at \$28,687,750 which includes the City's work on Granite Street between Main St. and the river plus turnpike work. The Everett Turnpike abutment work is underway, the steel is up on the piers for the new south-bound lane bridge.

The City's Granite St. Bridge Contract was awarded to E.D. Swett, the low bidder at \$11.7 million. Steel is being placed for a couple of sections now. The remainder of the City's (Contract "E") Granite Street work (Commercial St. to Elm St.) will be bid in 2006.

#8 Airport Access Road

- The NH Department of Transportation's design is progressing. Building demolition is complete in Manchester. Construction is expected to begin in 2007. The project will be split into multiple contracts. HTA is designing relocation of Trolley Crossing Pump Station force main for EPD.

PLANNING/BUILDING

SUBDIVISIONS

#12 Legacy Dr.

- 11 lot subdivision located between Straw Rd. and Goffstown Road, base pavement is down, curbing is now in place.

#8 Bryant Road

- Approved for both condos (56) and single family housing (34). Construction well underway.

#12 Woodland Pond

- 77 lot subdivision for single-family homes approved with roads off Countryside Blvd. Work has begun on last phase.

1 McLane Lane

- Seven unit planned development approved by Planning Board east end of existing road.

#6 Grand View Estates

- Argeriou property – 15 homes proposed on an extension of Lindstrom Lane has Planning Board approval.

#2 Sky Meadow Way

- 4 unit planned development approved off Currier Drive, work has begun.

#3 167/168 Silver St.

- Two six-unit condos approved by Planning Board.

Ward

- #8 270 Stanton St. - 4 new lots approved by Planning Board. Utility work underway on one lot.

SITE PLANS

- #3 Chinburg - Multiple residential townhouses are under construction with two highrise towers to follow just south of Fisher Cats Stadium. Some occupancy permits have been issued.
- #5 310 Wilson St. - Shopping center rehab. – 73,000 SF, new overall 171,000 S.F. Retail building “B” occupied. “Stop n’ Shop” open. Gas pumps are open. Retail building “A” under construction.
- #2 166 LaGrange Ave. - Islamic Society Mosque foundation permit issued from Building Department.
- #12 Front St./Hackett Hill Road - 52 Unit, two buildings done, third underway.
- #6 25 Lakeside Dr. - Dunkin’ Donuts proposal has approval from Planning Board.
- #2 845 Mammoth Rd. - Three story, 10 unit building approved by Planning Board.
- #2 747 Mammoth Rd. - Six-unit apartments under construction.
- #6 Hobbs Way - Four houses to be built off Bridge Street Extension.
- #5 661 Bell St.
“Vista View” - Combination of 12 handicap access apartments & 26 townhouses. Construction has begun.
- #9 915 S.Mammoth Rd. - Three self-storage units has Planning Board approval.
- #7 Maple/Silver Sts.
435 Somerville - Mill proposal to convert to housing approved by Planning Board. (NH Neighborhood Housing)
- #6 Cohas Brook Estates - “Marathon Way” 31 unit planned development. Work is well underway, some occupancies granted.
- #2 978 Mammoth Rd. - “Mammoth Oaks” 8-unit planned development approved, construction has begun.
- #11 CMC - New medical office building, parking garage and walkway over McGregor St. to be built. Work has begun. Harvey Construction managing this project.
- #6 1070 Holt Ave. - Industrial building. Work is underway.

Ward#

- #12 The Neighborhood - 487 Units on 110 acres bordering Goffstown and Hooksett
@ Woodland Pond at Hackett Hill approved by Planning Board. Work is underway
on extension of Countryside Blvd.
- #2 Currier Museum - Expansion of building towards Orange St. and parking lot on
of Art the Prospect Street end has Planning Board approval. Work
is underway.
- #6 1085/1095 - Whitetail Crossing development, 5 bldgs. 26 units under
Bodwell Rd. construction.
- #8 293 Abby Rd. - 32,000 S.F. office/warehouse building for Redlon & Johnson.
Work is underway.
- #6 1207 Hanover St. - Rehabilitation of existing warehouse/retail to 19,500 S.F. with
loading and parking. Approved by Planning Board.
- #9 161 So.Beech St. - Four story, 29 unit apartment proposed along with conversion
of church to retail space. Approved by Planning Board.
- #5 1571 S.Willow St. - Jared Jewelers converting Exxon to retail approved by
Planning Board. Construction underway.
- #3 #73 W.Brook St. - Proposal for a 15,530 S.F. building for PSNH Call Center
with parking. Work is underway.
- #3 #386 Union St. - Proposal for a 4,000 S.F. one story building to be used as
a Laundromat at Lake Ave. has been approved.
- #8 #70 Keller St. - Proposal to build a 31,000 S.F. Team Nissan dealership.
Approved by Planning Board.

Water Works Projects

Water Main Relays

A) W. Hillcrest – Brown Ave. easterly	860 L.F. of 6" complete
B) Spruce St. – Lincoln St. to Wilson St.	700 L.F. of 6" complete
C) Cooper St. – Donald St. southerly	380 L.F. of 6" complete
D) Belair St. – Brown Ave. westerly	310 L.F. of 6" complete
E) Quirin St. – Rimmon St. easterly	270 L.F. of 6" complete
F) Reed St. – Kelley St. northerly	250 L.F. of 6" next year
G) Cotter Ct. -	200 L.F. of 1.5" complete
H) Montcalm St. – Dionne Dr. easterly	150 L.F. of 2" complete
I) Reed St. – Bremer St. southerly	100 L.F. of 2" complete
J) Farmer Ln. – Candia Rd. northerly	150 L.F. of 6" next year
K) Brown Ave. – Relay for Airport Access Rd.	1,500 L.F. of 12" next year

Ward#

PARKS & RECREATION PROJECTS

P&R PROJECTS - FY'07

#10 Piscataquog

Trailway,
Phase III

- This will involve continuation of the trail from S. Main St. to the West Side Ice Arena, continuing from where Phase II ends continuing west. This phase will be designed by VHB and awaits execution of the municipal agreement in October. We are working with the landowner and currently negotiating for an easement through the property. We have come to a verbal, non-formal agreement with Tires Inc. for an easement through their property. We hope to have the agreement drafted and made legal shortly. Final design underway – bids due March '07.

#10 Piscataquog

River, East

- A new multi-purpose athletic field is to be constructed at the end of Douglas Street. The multi-use field will be a combination of football and lacrosse athletic fields. There is a need for this athletic complex to provide a new home for the Pop Warner team on the west side and additional space for PAL lacrosse.

#10 Piscataquog

River Park

- ***Bidding documents have been created and bids are currently being accepted for the repair of the Piscataquog River Park. This will restore the fields and trail to their pre-flooding condition. Bid opening date is October 18th.***

#11 Gossler/

Parkside

- Currently seeking professional design services to update and improve the site containing these two school facilities for possible construction in FY '08.

#9 Calef Road

- Located off of Garfield Street behind the Fire Station on Calef Road. Create a passive park area in place of the tennis courts that will be removed and a playground adjacent to Garfield St. with some parking to better suit the needs of the neighborhood and deter illegal activities. Kaestle Boos Associates is in the design phase and construction is anticipated for late fall or early spring.

#2 Weston

Observatory

- Weston Tower Observatory restoration needed to save the tower from further deterioration that will inevitably end up destroying the landmark if not corrected. Major improvements will include restoration of the roof, repointing of the stone, restoration of the stairs and other improvements to include some brush clearing around the Tower. Architectural Services Contract to be signed with Kurt Lauer.

Ward#

- #11 West Jr. Deb Field** - Currently, no nighttime field lighting exists; it has been requested to provide these utilities to allow for night games. \$75,000 has been donated to the league for the field lighting and a steel archway over the entrance to the fields.
- #8 Crystal Lake** - The Crystal Lake Master Plan will assist the City to preserve Crystal Lake Park and the surrounding area in a manner consistent with the City's Master Plan and desired outcome of the people in the surrounding communities. We had our first Community meeting where the public had the opportunity to submit their comments. We will be having another Community meeting for additional comments and suggestions.
- Implementation of phase one (funded in FY '07) of this master plan to be implemented subsequent to completion of master plan.
- #3 Bakersville School** - Moriece & Gary updated their original plan. Bidding process was completed with Perma-Drive as the lowest bidder. We have a pre-construction meeting on September 26, 2006.
- #2 Hillside School** - DuBois & King to update their original design for improvements/expansion to existing athletic fields located to the west of the school. A presentation will be given on Oct. 23rd 2006 at the next Building and Sites Committee meeting.
- Valley Cemetery Rehabilitation** - Continued work on the restoration of Valley Cemetery including the Pine Street Gate, Chapel, fence and update/replace miscellaneous utilities as the "Friends of Valley Cemetery" allow.
- #12 Black Brook Dam** - The Department is seeking funds in the amount of \$40,000 to begin the process of removal as voted on by the Board of Mayor and Aldermen. Dubois & King to assist us in the engineering, permitting and monitoring of the process. Forty percent (40%) of the anticipated costs will be in-kind services and the balance will come from a State Section 319 Grant from the N.H. Department of Environmental Services. They are working very closely and assisting us with this process. The Watershed Restoration Grant has been completed and has been submitted to the N.H. D.E.S.

HIGHWAY DEPARTMENT PROJECTS

#3/4 Union St. - Hanover to Bridge St., reconstruction next year.

Ward#

Construction Projects

- # 6 Candia Rd.
Dry Sewer
 - Sewer construction is about complete.
- #11/12 CSO-6
 - Work has begun on Kelley, Bremer and Mason Streets. R.D. Edmunds of Franklin, NH. is the contractor on this \$6 million project.
- #5 Spruce St.
 - Lincoln to Wilson – City started drainage work. Verizon will complete relocation/replacement of old wooden duct bank. Base pavement is down.
- #11 Dover St.
 - Replace sewer this year.
- #3 Chestnut /Hanover Streets
 - Sidewalks from Hanover St. to Manchester St. and Chestnut to Pine.
- #5 Spruce St.
 - Reconstruction of Wilson – Hall St., in Spring '07.
- #5 Central St.
 - Lincoln – Wilson reconstruction – Spring 2007.
- #4/5 Laurel St.
 - Lincoln to Wilson – Street Reconstruction Spring 2007.
- #5 Cedar St.
 - Wilson to Belmont – Summer of 2007.
- #5 Belmont St.
 - Massabesic to Spruce – Reconstruction, Summer 2007.
- #5 *Massabesic/
Old Falls*
 - *Curbing work.*
- #9 *Murphy St.*
 - *Reconstruction underway.*
- #5/7 Jewett St.
 - Young to Massabesic – Sewer replacement, Spring 2007.
- #1 Walnut Hill Ave.
 - Sewer/Drain Constr. - R.D. Edmunds has begun construction.
- #10 Poor/Schiller St.
 - CSO Project. Park Construction to begin construction in October 2006 on this \$5 million, 18-month project.
- #8 Crescent Rd.
 - CSO will be bid in Jan.'07. Construction to begin in summer, 18 month project.

Ward#

Environmental
Protection Division

I. Combined Sewer Overflow Projects (CSO)

- (a) W.Bridge/Bremer/Lorraine Sts. – Work is ongoing at two fronts on the West Side for this \$5.7 million project. Work will focus on the Bremer and Mason Streets over the next month. Project is about 52% complete.*
- (b) Poor/Schiller Street Separation – Park Construction will be starting work on this \$4.76 million project September 18th. A pre-construction meeting was held on September 11th.*
- (c) Crescent Road Separation – This is the final Phase I CSO construction contract and is scheduled to be bid in January '07. Work will take place on Brown Ave. So. Jewett St., Cilley Rd., Crescent Rd., Cleveland St., Dover St. and Pine street among others. A coordination meeting will be held later this year.*

II. Cohas Brook Interceptor Project – Phase II

- A. Contract 1: Sewer installation is ongoing on Pepsi Drive up to East Industrial Drive. This \$4.56 million project is about 54% completed.*
- B. Contract 2: Large diameter and very deep sewer will be constructed from Holt Avenue cross country to Proctor Road, north on Proctor Road and will end with a cross country segment to Candia Rd. Nov. 9th is the scheduled bid date for the \$4.0 million construction project.*
- C. Contract 3: The new Candia Road Pump Station is scheduled to be constructed in the summer/fall of '07. Pump station will be located at the corner of Lakeshore Drive and Candia Rd. Contract will also include the decommissioning of the Elton Avenue and old Candia Road pump stations.*

III. Sewer Projects

- 1> Candia Road sewer installation is ongoing as part of Audley's NHDOT project with work being done on Proctor Road.*
- 2> Sewer rehabilitation project for Roy Avenue, Cedar Street, Cox Street and Boston Street is ongoing. This \$242,000 contract will be completed in Sept.*
- 3> Sewer/drainage rehabilitation project for Walnut Hill Avenue has begun. This \$458,000 contract is scheduled to be completed in November.*
- 4> Design of Jewett Street sewer rehabilitation is ongoing and will be bid next in early 2007.*
- 5> A major break on Beech Street between Harvard and Silver Streets will require the replacement of about 310 feet of 100 year old pipe. R.D. Edmunds will mobilize to make this \$100,000 repair in mid-September.*
- 6> A second major sewer break has been identified on Cheney Place that will also require repair work.*

Ward #

MANCHESTER AIRPORT

- | | |
|---|---|
| #8 Runway 6 | - Runway 6 reconstruction ongoing. Contractor awarded Continental Paving, Inc. Completion set for Fall 2006. |
| #8 Aerohex Hangars | - New hangars in the northeast area of the airport. Site work has begun by North Branch Construction, Inc. Project completion anticipated for Feb. '07. |
| #8 Runway 24 Safety Area Extn. across S. Willow St. | - Design work has begun for multiple project associated with the extension of the Runway 24 Safety Area. Construction is slated for 2007. |
| #8 De-Icer Fluid Management | - Project is underway through a design/build contract to Weston Solutions, Inc. along with Continental Paving. Construction completion is anticipated for the end of '06. |
| #8 Sand/Salt Storage Facility | - Kinsman Corp., Inc. of Hooksett, NH has begun project. Work is ongoing, and completion October/November '06. |
| #8 Sand Equipment Bid | - Next to Airfield Maintenance on Kelley Ave. Project awarded to Kinsman Corp. Project is on-going. |
| #8 Summit Packaging #16 Ammon Rd. | - Work has been awarded to All-Ways Wrecking. Work to begin mid to end October. Completion within 180 calendar days. |
| #8 Meggit Avionics #10 Ammon Rd. | - Work has been awarded to All-Ways Wrecking. Work to begin mid to end of October. Completion within 180 calendar days. |
| #8 FAA Existing ATCT #8 Ammon Rd. | - The tower is removed down to the main buildings' roof line. Lavallee/Bresinger are the designers. Martini-Northern of Portsmouth, NH are the construction managers. Work to begin October '06 with completion scheduled for Dec. '06. |
| #8 FAA Aircraft Traffic Control Tower (ATCT) | - Construction complete. Facility is operational. |

Ward#

KEYSPAN ENERGY DELIVERY

CSO

- | | | |
|---|------------------|----------|
| a) Cartier St. – Bremer St. to Kelley St. | 500 L.F. of 4" | Complete |
| b) Youville St. – Bremer St. North to end of Main St. | 220 L.F. of 4" | Complete |
| c) Montgomery St. – Bremer St. North to end of Main St. | 1,015 L.F. of 2" | Complete |
| d) Notre Dame Ave. – Notre Dame at Kelley St. | 125 L.F. of 4" | |
| e) Kelley St. – Dubuque St. to Reed Street | 1,080 L.F. of 8" | |
| f) Bremer St. – Hevey St. to Alsace St. | Tie Ins | Complete |
| g) Hevey St. – Montgomery St. to Kelley St. | 700 L.F. of 6" | Complete |

State of NH-D.O.T.

- | | |
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| a) Candia Rd. – I93 to Proctor Road | 2,050 L.F. of 8" |
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PSNH

- | | |
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| #3 Merrimack St. | - Need to add transformer to existing network duct due to increased downtown load, scheduled after July 4 th . |
| #11 CMC | - Line crews in McGregor, Putnam, Foundry streets for another three weeks, mostly on Foundry Street. |
| #12 Countryside Blvd. | - The Neighborhood @ Woodland Pond, underground power this Fall. |

MANCHESTER TRAFFIC DEPARTMENT

- | | |
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| #8 Goffs Falls Rd./ Beatrice St. | - Signals to be installed. |
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VERIZON

- | | |
|---------------|---|
| #6 Candia Rd. | - Massabesic Circle to I-93. Cable relocation underway. Complete from Circle to Hanover St. Entirely complete by October 20 th . |
| #5 Spruce St. | - Lincoln to Wilson conduit replacement to accommodate Highway Department reconstruction work. Will install conduit on north sidewalk through Wilson St. intersection – to begin in July. |

Ward#

- #11 CMC – Installing new conduit on McGregor Street from Citizen's Bank to Foundry St. 150' this Fall.

NEXT MEETING: The next MUCC meeting has been scheduled for Wednesday, October 18th 2006 at 10: 00 AM in the **Conference Room, second floor, at the Manchester Water Works.**

Attended Contact List

x	Ms. Janet Kelliher	PSNH	882-5894 X5230
x	Mr. Karl Franck	Building Dept.	624-6475
x	Mr. Jay Davini	Manchester Highway Dept.	624-6444
x	Mr. Guy Chabot	Manchester Water Works	624-6494
	Mr. Chris Blue	Fire Department	669-2256
x	Mr. Mike Venti	Airport Authority	624-6539 X318
x	Mr. Jody Rivard	Manchester Fire Dept.	669-2256
x	Mr. Chuck Deprima	Parks & Recreation Dept.	624-6565 X315
	Mr. Terry Harlacher	Planning Department	624-6450
x	Ms. Betty Hackett	Verizon	645-2713
x	Mr. Paul Shea	Keyspan	231-4970
x	Mr. Mike Jolin	MHRA	624-2111
	Mr. Tim Dent	Comcast	679-5695 X1013
	Mr. Jim Hoben	Traffic Department	624-6580
x	Mr. Alan Poullos	Keyspan	231-6415
	Mr. Wayne Wallace	Verizon	645-2701
	Mr. John Williams	Fire Department	669-2256
x	Mr. John O'Rourke	Parks/Recreation/Cemetery	624-6565
x	Mr. Fred McNeill	EPD	628-6200

NOTE: NEW projects for the month will be *italicized/bold* printed.



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

OCTOBER 10, 2006

CITY OF MANCHESTER

1 CITY HALL PLAZA
MANCHESTER NH 03101

Dear Town Official:

In response to recent changes in the New Hampshire law defining a dam, it has been determined that the storm water detention basins referenced above are now exempt from future regulation related to dam safety provided that the structure remains in its current configuration. The exact language of the law exempting certain structures is as follows:

RSA 482:2 II(b) An artificial barrier at a storm water detention basin, which impounds 05. acre-feet or less of water during normal conditions, shall not be considered a dam unless its height is 10 feet or greater or its maximum storage is 6 acre-feet or greater.

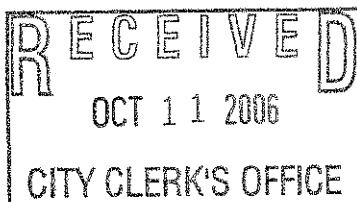
If it is found that the structure is reconfigured in the future such that it again meets the definition of a dam the owner will once again be subject to the statutes and administrative rules pertinent to dams. Being exempt from our rules does not preclude them from following the applicable requirements of other state or local regulations. It is recommended that they continue good maintenance and operations practices for this structure.

The file for this structure will be kept in the inactive section of dam files by the New Hampshire, Department of Environmental Services Dam Bureau

If you have any questions, please contact me at 603-271-3406, or at the Water Division at the address listed below.

Sincerely,

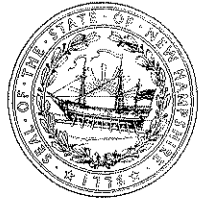
Nancy McGrath
Outreach Coordinator
Dam Bureau



D



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

OCTOBER 10, 2006

CITY OF MANCHESTER

1 CITY HALL PLAZA
MANCHESTER NH 03101

Re:

DAM# 150.20, DETENTION POND DAM in MANCHESTER
DAM# 150.28, TJF BEVERAGE DETENTION POND in MANCHESTER
DAM# 150.31, MHA RETENTION POND 2 in MANCHESTER
DAM# 150.33, MHA DETENTION POND 3 in MANCHESTER
DAM# 150.38, MANCHESTER LF DET POND DAM in MANCHESTER
DAM# 150.39, LEDGEWOOD RETIREMENT DET 1 in MANCHESTER
DAM# 150.40, LEDGEWOOD RETIREMENT DET 3 in MANCHESTER
DAM# 150.41, RAYTHEON DET POND DAM in MANCHESTER
DAM# 150.42, VHG LABS DETENTION POND in MANCHESTER
DAM# 150.43, SOUTH RIDGE DETENTION POND in MANCHESTER

D

City of Manchester New Hampshire

In the year Two Thousand and Six

A RESOLUTION

“Amending the FY 2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 1 contains all sources of Federal, State and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept additional funds in the amount of \$10,000 from US Economic Development Administration (EDA) for the completion of the Downtown & Economic Strategies Report;

NOW, THEREFORE, be it resolved that the 2005 CIP be amended as follows:

1) By increasing:

FY2005 CIP 613205 – Downtown & Economic Strategy Project - \$10,000 EDA
From \$219,800 (\$201,536 Other and \$18,264 CDBG) to \$229,800 (\$211,536 Other and \$18,264 CDBG)

Resolved, that this Resolution shall take effect upon its passage.



City of Manchester New Hampshire

In the year Two Thousand and Six

A RESOLUTION

“Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2007 CIP as contained in the 2007 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept grant funds in the amount of \$70,000 from the State For Community-Based Tobacco Prevention & Control Services to assist in promoting tobacco prevention and cessation initiatives;

NOW, THEREFORE, be it resolved that the 2007 CIP be amended as follows:

By adding:

FY2007 CIP 214107 – Community-Based Tobacco Prevention & Control Program-\$70,000 State

Resolved, that this Resolution shall take effect upon its passage.



E

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$10,000 for the FY2005 CIP 613205 Downtown & Economic Strategies Project, and for such purpose a resolution and budget authorization has been submitted.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee



F

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$70,000 for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program, and for such purpose a resolution and budget authorization has been submitted.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee


G

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that updates be made to the Public Health Director class specification and for such purpose an ordinance is submitted for adoption.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee


City of Manchester New Hampshire

In the year Two Thousand and six

AN ORDINANCE

“Amending Section 33.026 (Public Health Director) of the Code of Ordinance of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Change class specification, Public Health Director, Class Code 7110
(see attached) exempt

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

H



City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Public Health Director
Class Code Number	7110-29

General Statement of Duties

Plans, organizes and directs the operations and activities of the Health Department; performs directly related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to provide administrative oversight to all operations and activities of the Health Department. The work is performed under the supervision and direction of the Board of Mayor and Alderman but extensive leeway is granted for the exercise of independent judgement and initiative. Supervision is exercised over the work of all employees within the Health Department, in coordination with a top management team consisting of the class of ~~Public Health Nurse Supervisor~~, *professionally diverse supervisors who oversee multiple programs. In addition, the incumbent in this program serves as the Executive Director of the City's Federally funded Homeless Health Care Program.* The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, the Board of Mayor and Alderman, business and community groups, outside auditors, State and Federal officials, representatives of the media and the public. The principal duties of this class are performed in a general office environment.

Examples of Essential Work (illustrative only)

- Plans, organizes, directs and evaluates the work of Departmental staff in implementing the expressed goals, policies and directives of the Health Department;

H

- *Ensures that all employees' performance is evaluated at least once per year.*
- Develops policies and procedures designed to increase the efficiency and effectiveness of Departmental operations and address health issues within the City of Manchester;
- Develops and administers the Departmental budget;
- Confers with Department staff to track implementation of policies and receive specific recommendations and suggestions on Division or Departmental operations;
- Provides status reports to the Board of Mayor and Alderman on Departmental operations, any major shift in policies or procedures and recommendations for future development;
- Develops, implements and oversees *public health care* initiatives, including disease control, regulatory actions, health promotional activities, community health programs, school health, environmental health and related;
- Promotes health issues City-wide through public presentations, legislative initiatives, public/media relations and related;
- Participates in various aspects of personnel administration within the Departments, including hiring, termination, grievance procedures and coordinating employee training;
- Serves as the chief spokesperson for the Health Department;
- Performs special projects for the Board of Mayor and Alderman as requested;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Comprehensive knowledge of current principles and practices involved with public health care delivery;
- Comprehensive knowledge of existing local, State and Federal programs, funding sources and other resources which may be procured for health care initiatives;
- Comprehensive knowledge of disease control programs;
- Comprehensive knowledge of preventative initiatives in public health areas;
- Comprehensive knowledge of current principles and practices of public administration;
- Comprehensive knowledge of budgetary principles within a municipality;
- Thorough knowledge of public/media relations principles;
- Ability to provide administrative direction within a municipal Department;
- Ability to supervise, train, evaluate and lead the work of others;

H

- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from an accredited college or university with a Master's Degree in Public Health; and
- Extensive experience in public health programs, including some supervisory role.

Required Special Qualifications

- None.

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to review a wide variety of written material in electronic or hardcopy form;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate a personal computer and related equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to various work sites throughout the City and out of the area.

Approved by: _____

Date: _____

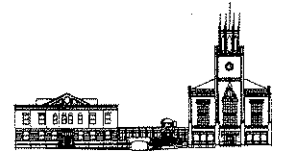
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CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065
www.ManchesterNH.gov



October 6, 2006

Alderman Ted Gatsas, Chairperson
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Item 4 – HRIC Agenda Item #6, 10-03-06

Dear Alderman Gatsas and Members of the Committee:

As per the request of the Human Resource and Insurance Committee at our meeting on October 3, 2006, I have included a new bullet under Examples of Essential Work that states the incumbent of the Public Health Director position will "ensure that all employees' performance is evaluated at least once per year".

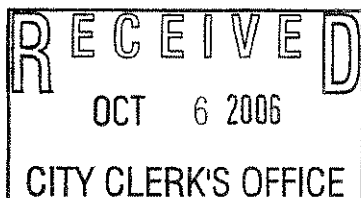
A copy of the updated class specification is attached to this letter.

I hope this reflects your concerns. If not, please let me know and I will change it to meet your concerns.

Respectfully submitted,

Virginia A. Lamberton
Human Resources Director

Attachment




H

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that revisions to Ordinance 33.047 (Probationary Period) and Ordinance 33.048 (Advancements Within Pay Range) be approved and for such purpose Ordinances are submitted for referral to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee






CITY OF MANCHESTER

Human Resources Department

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www.ManchesterNH.gov



September 25, 2006

Alderman Ted Gatsas, Chairperson
Human Resources and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Proposed Amendments to Ordinances
33.047 and 33.048

Dear Alderman Gatsas and Members of the Committee:

Recently there was some confusion regarding two Ordinances that were inconsistent with one another. One of the Ordinances, 33.047 *Probationary Period*, also had language that was inconsistent with the compensation practices of the City.

Ordinance 33.047, *Probationary Period*, should speak to the purpose and length of probationary periods. Currently, there is language in the Ordinance that addresses increases in pay at the conclusion of the probationary period. Ordinance 33.048, *Advancements Within Pay Range*, already addresses when an employee can receive a merit step upon completion of the probationary period. Therefore, I felt it would be better to separate the subject matters and put the appropriate language in the appropriate Ordinance.

Attached please find proposed revisions to Ordinance 33.047 and 33.048. Hopefully by separating the language to the appropriate Ordinance will eliminate any confusion in the future.

Your favorable approval would be greatly appreciated.

Respectfully submitted,

Virginia A. Lamberton
Human Resources Director

PROPOSED AMENDMENT TO
ORDINANCE 33.047, PROBATIONARY PERIOD

September 22, 2006

Current: **33.047 PROBATIONARY PERIOD:** After initial appointment or promotion to a position covered by 33.020 through 33.082 of this chapter, the first six months of service in the position to which appointed or promoted shall be considered the period of probation, except uniformed Fire Department personnel and entrance level police personnel whose probation periods shall be for 12 months; provided however, that such fire and police personnel shall be eligible for pay advancement after six months employment, upon the recommendation of the department head. In the event an employee is not meeting the work standard, the probationary period may be extended up to an additional six months not to exceed a total of twelve months probation. During the period of extended probation, the employee shall not be eligible for a step increase until such time as the employee has satisfactorily completed the extended probationary period. At the completion of the probationary period, the employee shall be eligible for a one step increase. In the event the employee does not meet the work standard at the conclusion of the first six months or at the conclusion of the extended probationary period, he shall be separated from the service, except that, in the case of promotion from a lower position, he shall revert to such lower position with the rate of pay to which he would have been entitled had he continued to serve in such lower position without promotion.

Proposed: **33.047 Initial Probationary Period**

(A) Upon appointment to a regular full time position, the first six months of service in the position shall be considered the initial probationary period, except uniformed Fire Department personnel and police personnel whose initial probationary periods shall be for 12 months.

(B) In the event an employee is not meeting the work standard, the probationary period may be extended up to an additional six months not to exceed a total of twelve months probation.

(C) In the event an employee does not meet the work standard at the conclusion of the first six months or at the conclusion of the extended probationary period, he shall be separated from service except in the case of a promotional probationary period, all efforts will be made to return said employee to his former position if such position is available.

City of Manchester New Hampshire

In the year Two Thousand and

six

AN ORDINANCE

"Amending Section 33.047 (Probationary Period) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 33.047, Probationary Period of the Code of Ordinances of the City of Manchester by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.047 not struck through or bolded remains unchanged.

33.047 PROBATIONARY PERIOD

~~After initial appointment or promotion to a position covered by 33.020 through 33.082 of this chapter, the first six months of service in the position to which appointed or promoted shall be considered the period of probation, except uniformed Fire Department personnel and entrance level police personnel whose probation periods shall be for 12 months; provided however, that such fire and police personnel shall be eligible for pay advancement after six months employment, upon the recommendation of the department head. In the event an employee is not meeting the work standard, the probationary period may be extended up to an additional six months not to exceed a total of twelve months probation. During the period of extended probation, the employee shall not be eligible for a step increase until such time as the employee has satisfactorily completed the extended probationary period. At the completion of the probationary period, the employee shall be eligible for a one step increase. In the event the employee does not meet the work standard at the conclusion of the first six months or at the conclusion of the extended probationary period, he shall be separated from the service, except that, in the case of promotion from a lower position, he shall revert to such lower position with the rate of pay to which he would have been entitled had he continued to serve in such lower position without promotion.~~

33.047 INITIAL PROBATIONARY PERIOD

- (A) Upon appointment to a regular full time position, the first six months of service in the position shall be considered the initial probationary period, except uniformed Fire Department personnel and police personnel whose initial probationary periods shall be for 12 months.
- (B) In the event an employee is not meeting the work standard, the probationary period may be extended up to an additional six months not to exceed a total of twelve months probation.

City of Manchester New Hampshire

In the year Two Thousand and

six

AN ORDINANCE

"Amending Section 33.047 (Probationary Period) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (C) **In the event an employee does not meet the work standard at the conclusion of the first six months or at the conclusion of the extended probationary period, he shall be separated from service except in the case of a promotional probationary period, all efforts will be made to return said employee to his former position if such position is available.**

- II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

PROPOSED AMENDMENT TO
ORDINANCE 33.048, ADVANCEMENTS
WITHIN PAY RANGE

September 22, 2006

Current: **33.048 ADVANCEMENTS WITHIN PAY RANGE**

- (A) *Initial hire.* An employee whose entrance is at a rate of pay below the maximum of the base range may be advanced one step in the appropriate range effective the date of the successful completion of the initial probationary period. Such advancement may be recommended by the department head and approved by the Human Resources Director or Human Resources and Insurance Committee.

Proposed: **33.048 ADVANCEMENTS WITHIN PAY RANGE**

(A) *Initial hire.* An employee whose entrance is at a rate of pay below the maximum of the base range may be advanced one step in the appropriate range effective the date of the successful completion of the initial probationary period. Such advancement may be recommended by the department head and approved by the Human Resources Director or Human Resources and Insurance Committee.

- (1) Although Police and Fire personnel serve a twelve month initial probationary period, such personnel shall be eligible for pay advancement after six months of employment, upon the recommendation of the department head.

City of Manchester New Hampshire

In the year Two Thousand and

six

AN ORDINANCE

"Amending Section 33.048 (Advancements Within Pay Range) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 33.048 Advancements Within Pay Range of the Code of Ordinances of the City of Manchester by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.048 not struck through or bolded remains unchanged.

33.048 ADVANCEMENTS WITHIN PAY RANGE

- (A) *Initial hire.* An employee whose entrance is at a rate of pay below the maximum of the base range may be advanced one step in the appropriate range effective the date of the successful completion of the initial probationary period. Such advancement may be recommended by the department head and approved by the Human Resources Director or Human Resources and Insurance Committee.

33.048 ADVANCEMENTS WITHIN PAY RANGE

- (A) *Initial hire.* An employee whose entrance is at a rate of pay below the maximum of the base range may be advanced one step in the appropriate range effective the date of the successful completion of the initial probationary period. Such advancement may be recommended by the department head and approved by the Human Resources Director or Human Resources and Insurance Committee.
- (1) **Although Police and Fire personnel serve a twelve month initial probationary period, such personnel shall be eligible for pay advancement after six months of employment upon the recommendation of the department head.**

- II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



T

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that a request to amend the Deferred Compensation Plan relative to allowing participants to borrow money from their account as now allowed by the IRS be granted and approved.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee


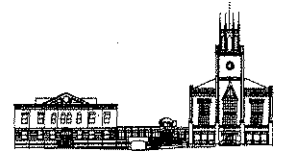
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CITY OF MANCHESTER

Human Resources Department

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September 26, 2006

Alderman Ted Gatsas, Chairperson
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Amendment to Deferred Compensation Plan

Dear Alderman Gatsas and Members of the Committee:

Recently an employee approached me to apply for a hardship withdrawal from his deferred compensation plan. Unfortunately for the employee, the reasons that he wanted to withdraw funds from his deferred compensation plan were not allowed by IRS rules. In investigating his request, it was brought to my attention by our Hartford Life Insurance Representative, that the IRS now allows participants to "borrow" money from their account.

As such, I set up a meeting with our representative, Scott Burbank, to meet with Tom Clark, Kevin Clougherty and me to discuss the loan program. What we learned is that an employee can borrow against his deferred compensation plan up to 50% of the balance. The employee must borrow a minimum of \$1,000. A general purpose loan must be repaid within five (5) years. A loan for primary residence must be repaid within twenty (20) years. The loan interest rate is established at prime plus one percent or two percent. The employee authorizes the City to take the loan payments directly from the employee's paycheck.

If the employee terminates employment prior to re-paying the loan, the employee must pay the entire outstanding balance of the loan plus any accrued interest. If the payment is not made by the end of the calendar quarter following the calendar quarter in which the default occurred, the loan plus any accrued interest will be in default and will be reported as taxable to the extent permitted by law and will be foreclosed upon at such time as the law permits. An early withdrawal penalty may also be applicable.

The loan is secured by a lien on the balance of the employee's deferred compensation plan.

The City is not lending the employee money. Rather, the employee is borrowing from himself plus interest. Treasury Reg. #1.457-6(f) provides for 457 plans to offer loans.

7

Alderman Ted Gatsas

- 2 -

September 26, 2006

I am attaching information regarding the loan program for your information and review. If you would like to have Scott Burbank from Hartford Life come to our next meeting to discuss this program, I would be happy to make those arrangements.

Respectfully submitted,

A handwritten signature in cursive script that reads "Virginia A. Lamberton".

Virginia A. Lamberton
Human Resources Director

Attachment

A handwritten mark consisting of a horizontal line with a vertical line extending downwards from its center, resembling a stylized 'T' or the letter 'I'.



Loans

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Plan Sponsor Overview

Hartford Life's retirement programs and record keeping systems support plans which authorize participant contract loans. The scope of our program includes; loan modeling, loan initiation, repayment processing and ongoing reporting.

The following Fast Facts is intended to serve as a quick reference on the features of our Loan Program. Questions should be directed to your Plan Manager.

Handwritten mark resembling a stylized 'J' or a signature.

**THE HARTFORD GROUP RETIREMENT PROGRAMS
LOAN PROGRAM FAST FACTS**



The following information is intended to serve as a quick reference on the features of The Hartford's Government Market loan program available for 457(b), 403(b) and governmental 401(a) plans *.

FEATURES	
Loan Types / Loan Terms	<ul style="list-style-type: none"> • General Purpose Loan: 1 - 5 years • Primary Residence Loan: 1 - 20 years
Loan Minimum	• \$1,000
Loan Maximum	<ul style="list-style-type: none"> • The loan, when added to all other outstanding loans (if any), may not exceed the lesser of: <ul style="list-style-type: none"> 1) \$50,000 reduced by the highest outstanding loan balance(s) during the preceding 12 months. or 2) 50% of the participant's vested account balance accrued. The determination must be made by considering all plans sponsored by the employer. (Please note that additional limitations apply to plans with Self Directed Brokerage Accounts "SDBA".) • Outstanding loans from other retirement plans offered by the employer need to be taken into consideration in calculating the maximum loan amount. • Loans in excess of the limits described above may jeopardize the plan's tax status.
Effect of Borrowing on Account	<ul style="list-style-type: none"> • Proceeds of loan to be taken pro-rata from all available investment options (except SDBA). • SDBA balance, if applicable, <u>not</u> included in calculation of available loan amount. • Loan Security - A lien is placed on the account equal to the amount of the outstanding loan.
Loan Defaults	<ul style="list-style-type: none"> • A loan will be considered taxable to the participant (i.e. default) if no payments are made within a calendar quarter unless the plan allows a grace period before default. The grace period cannot extend beyond the last day of the calendar quarter following the calendar quarter in which the repayment was due. If payments are not made in accordance with the loan note's amortization schedule, and if applicable, the grace period, the loan will be considered in default. A loan default results in a deemed distribution for federal income tax purposes. For plan purposes, a deemed distribution does not result in an actual distribution. Until the loan is foreclosed, a participant still has the obligation to repay the loan.
Loan Foreclosure	<ul style="list-style-type: none"> • Foreclosing a loan ends both the repayment obligation and the loan's status as a part of the participant's accrued benefit. Loan foreclosures are subject to the terms of the loan agreement, the terms of the plan, and the terms of the Internal Revenue Code. Generally, a defaulted loan will be foreclosed no earlier than the earliest date in which the contributions securing the loan could be distributed under the terms of the Internal Revenue Code. The amount foreclosed is referred to in the regulations as a loan off set amount.
Loan Interest Rate	<ul style="list-style-type: none"> • Loan rate: "Prime + 2". However, a different rate may be set by a 401(a) or 457(b) plan sponsor. • Rate fixed for term of loan. • All interest repaid to the participant account - allocated to account per participant's current investment election.

* This loan program is not available with The Hartford Advantage Program.

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**THE HARTFORD GROUP RETIREMENT PROGRAMS
LOAN PROGRAM FAST FACTS**



The following information is intended to serve as a quick reference on the features of The Hartford's Government Market loan program available for 457(b), 403(b) and governmental 401(a) plans ¹.

FEATURES	
Loan Repayment	<ul style="list-style-type: none"> • Repayment occurs via payroll deduction. 403(b) plans may provide for repayment by personal check. • Frequency (follows sponsor's payroll contribution schedule): weekly, bi-weekly, monthly, or semi-monthly. • Early repayment (in full) allowed; no partial prepayments allowed. • Repayments are returned to participant account according to their current investment election.
Limit on Number of Outstanding Loans	<ul style="list-style-type: none"> • Limited to two active loans at one time. • 403(b) are limited to one loan.
Loan Fees	<ul style="list-style-type: none"> • One-time set up fee may apply. • Fees are taken from participant account on a pro-rata basis from all investment options with a balance (except SDBA fund). • Set-up fee deducted from account in addition to principal amount of loan. • Annual maintenance fee of \$50.00 may be assessed quarterly (\$12.50 per quarter).
Documentation Applicable to Plan Sponsor or Participant	<ul style="list-style-type: none"> • Plan Sponsor's governing plan document must include a provision for loans [457(b) and 401(a) only]. • Plan Sponsor's Administrative Services Agreement with the Hartford (if applicable to plan) must make provision for loans [457(b) and 401(a) only]. • Participant Loan Application detailing terms, conditions and applicable fees. • Spousal Consent for Loan Security form (if applicable).
Plan Sponsor Reporting: Plan Summary Statements, Internet	<ul style="list-style-type: none"> • Plan Summary Statements detail net loan activity and outstanding loan balance. • Internet details net loan activity and outstanding balance. • Sponsor notification of loan defaults [457(b) and 401(a) only].
Participant Reporting: Statements, Confirms, Internet and VRU	<ul style="list-style-type: none"> • Loan confirm and promissory note issued with check to participant. • Loan amortization schedule. • Outstanding loan(s) and recent payments detailed on statements. • Internet detail includes: loan balance(s), date of loan, amount borrowed, interest rate, payoff date, last payment date and loan payment amount. • VRU detail includes: loan balance(s), payoff amount and loan modeling.
Program/ Funding Vehicle	<ul style="list-style-type: none"> • DCPlus™ Program - 457 Group Variable Annuity • Possibilities program - 457 or 401 Group Variable Funding Agreement • Premier Solutions program - 403(b) and 457 Group Variable Annuity

The Hartford does not provide tax, accounting or legal advice. Plan sponsors are advised to consult their attorneys and/ or tax advisors regarding loan programs for their plans.

"The Hartford" is The Hartford Financial Services Group, Inc. and its subsidiaries, including issuing company Hartford Life Insurance Company.

Retirement programs are funded by group variable annuity contracts and group variable funding agreements issued by Hartford Life Insurance Company. Group variable annuity contracts are underwritten and distributed by Hartford Securities Distribution Company, Inc. where applicable. This presentation must be preceded or accompanied by a currently effective prospectus or disclosure documents (including the Program Overview, Program Highlights, Investment Option Fee Schedule and applicable historical investment option performance information), whichever is applicable. Read this material carefully before you invest or send money.

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Plan Sponsor Overview Adding a Loan Feature

1. Plan Document

- You must notify Hartford Life (your local Hartford representative or Plan Manager) of intent to add a loan feature.
- Determine which plan document is to be used: a) Hartford Life's specimen plan document providing for loans or b) a proprietary plan document.
- If using Hartford Life's specimen document, you must determine whether to execute a loan amendment to the existing plan document, or to execute a totally new plan document. Coordinate with Plan Manager.
- If using a proprietary plan document, you are requested to submit a copy of your plan document to your Plan Manager.

2. Administrative Services Agreement (ASA)

- Will be updated to reflect the loan feature and provided by your Plan Manager and/or your local Hartford representative.

3. Questions

- May be directed to your Plan Manager or your local Hartford representative.
- Your Plan Manager or local Hartford Representative will complete all necessary implementation paperwork and coordinate an implementation effective date.



Plan Sponsor Overview Participant Loan Requests

If your Plan allows, the participant may apply for a contract loan.

There are two types of loans available:

1. General purpose loans which must be repaid within 5 years.
2. Primary residence loans which must be repaid within 20 years.

Procedure for Requesting a Loan

A Loan Application & Agreement may be requested by calling our Service Center at 1-800-528-9009. A sample is attached or is available online at <http://retire.hartfordlife.com>.

The participant will provide the loan amount and duration desired, and Hartford will provide a loan quote. Hartford will complete the Loan Application and include the loan quote.

The Loan Application & Agreement, along with a loan quote, will be sent to the participant for the appropriate signatures(s).

The loan quote will expire in 15 business days. The loan quote will provide:

- Annual interest rate
- Finance charge (total amount of interest to be paid over the loan term)
- Total repayment amount
- Amount of payment per period
- Loan quote effective date
- Loan quote expiration date

If the Loan Application and Agreement is not received in good order at the Hartford Life's Home Office within 15 business days, the loan request will become void and will not be processed. A new loan quote must be requested.





Processing Loans

When Hartford Life's Home Office receives a Loan Application & Agreement in good order, the following will take place:

1. The loan will be processed.
2. A check will be mailed within 5 business days either to you, the Plan Sponsor, or the participant depending on your direction.
3. A loan amortization schedule will also be sent to the participant in a separate mailing. If repayments are to be made by salary deduction, an amortization schedule will also be sent to the you.

Repayments

If loan repayments are made by payroll deduction, repayments are made according to the your payroll schedule. Hartford Life will provide loan amortization schedules to both the participant and you.

If loan repayments are not made when due, Hartford will provide arrears letters and default notices to the participant and, if requested, to you.

See the specimen Loan Application & Agreement for more information.



Loan Application & Agreement

Overnight Mail Address:
Retirement Plan Service Center
Hartford Life Insurance Company
200 Hopmeadow Street, Simsbury, CT 06089

Mail Address:
Retirement Plan Service Center
Hartford Life Insurance Company
PO Box 1583, Hartford, CT 06144-1583



Group Contract Number:	Plan Name:	Social Security Number:
Employee Name: (Last, First, M.I.)		
Address:		
City:	State:	Zip:
Home Phone:	Work Phone/Ext.:	

A. EMPLOYEE REQUEST FOR LOAN

I understand that my Loan request will be processed as of the date received in good order at Hartford Life. All sections of this form must be completed for this Loan request to be considered in good order.

I understand that the amount of this Loan, when added to all loans made to me from this Plan (or any other retirement plan sponsored by the Employer) may not exceed the lesser of 50% of my vested Participant's Account balance or \$50,000 (as adjusted - See Loan Agreement Section, Effect of Borrowing-Limitations). I understand that the proceeds of my Loan will be withdrawn from my Participant's Account under the Plan against all investment choices (except a Self Directed Brokerage Account) and from each contribution source on a pro-rata basis. I understand and agree that the total loan amount due and payable will include a **processing fee** of \$50 to be deducted from my Participant's Account under the Plan in the same manner as the amount borrowed. Additionally, a **maintenance fee** of \$12.50 will be deducted from my Participant's Account at the end of each calendar quarter.

B. PROMISSORY NOTE

This Application will not be valid unless Section B is completed by the Hartford Life Home Office.

I promise to repay to my Participant's Account the Total Repayment Amount shown below subject to the following terms. See Loan Agreement Section, Effect of Borrowing-Limitations.

Loan amount requested (Not including the processing fee): \$ _____

I authorize loan repayments to my account through payroll deductions in accordance with the terms of my salary reduction agreement. Repayments will begin with the first payroll period ending on or after the end of the second week following the week in which the loan is issued. A loan amortization schedule will be prepared and mailed to you following the issuance of the loan proceeds. Please see the amortization schedule for your scheduled repayment due dates. If a repayment is not made, the entire outstanding loan balance including any accrued interest will be considered in default. (See Loan Agreement Section, Event of Default.)

Loan duration (Check one):

- ☐ This is a general purpose Loan. It will be repaid during a _____ year repayment period. (Select from 1 to 5 years)
- ☐ This Loan will be used to purchase a primary residence. It will be repaid during a _____ year repayment period. (Select from 1 to 20 years)

Annual Interest Rate _____ %

Finance Charge (Total amount of interest to be paid over the loan term) \$ _____

Total Repayment Amount \$ _____

Repayment Period (Check one) ☐ Weekly ☐ Bi-Weekly ☐ Semi-Monthly ☐ Monthly

Amount of Payment per Period \$ _____

Loan Quote Effective Date mm/dd/yy _____

Loan Quote Expiration Date mm/dd/yy _____

If this loan request is not received by Hartford Life within 15 business days of the loan quote effective date or if a withdrawal is made from your Participant's Account after the loan quote effective date and prior to loan issuance, a new loan quote will be required.

C. SIGNATURES

I acknowledge that I have received and read this Promissory Note and agree to all the terms and conditions of the Loan Agreement on the following page. I understand that I may fully repay the outstanding amount of this Loan at any time without penalty. I understand that my Participant's Account balance will be reduced by the entire amount of the outstanding balance of the Loan, plus any accrued interest, before any distribution is made to either me or my beneficiary.

Employee Signature _____ Date _____

I approve this loan as shown and certify that the above information in regard to the employee is true and accurate to the best of my knowledge.

Plan Administrator/ Employer Signature _____ Title _____ Date _____

Please make a copy for your records.

Hartford Life Use
Completed by: _____
Date: _____

Loan Agreement

You agree that the following Terms and Conditions will apply to the Loan from your Participant's Account, issued by Hartford Life Insurance Company ("Hartford Life").

Effect of Borrowing - Limitations

I may not request a loan, or have an outstanding loan, and also participate in the Installment (Systematic) Payment Option program.

Minimum Loan Amount: For all loans, the required minimum individual account value is \$2,000. The minimum loan amount is \$1,000.

Maximum Loan Amount: I understand that the amount of this Loan, when added to all loans made to me from this Plan (or any other retirement plan sponsored by the Employer) may not exceed the lesser of 50% of my vested Participant's Account balance or \$50,000 reduced by the highest outstanding balance on any Loan(s) made to me from this Plan (or any other retirement plan sponsored by the Employer) during the twelve-month period ending on the date this Loan is made. In calculating the maximum loan amount, Hartford Life has no information about loans that you may have with other providers. Hartford Life will use only information available under Hartford Life contracts to determine the maximum loan amount and will not be responsible for any adverse tax consequences that may result.

Number of Loans: I may have only one outstanding loan at a time.

Loan Duration

Principal and interest must be amortized and repaid at least quarterly.

Once a loan repayment period has been selected, that repayment period cannot be extended.

Effect of Repayment

As I repay this Loan, the repayments (both principal and interest) will be credited to my Participant's Account and invested in accordance with the terms of the Plan. Hartford Life will provide me with a complete repayment schedule for this Loan. Loan repayments will be made to the contribution source from which the Loan was taken and the current investment allocation election.

Loan Terms

The basic terms of the Loan are specified on the Loan Application. I promise to repay this Loan in the manner and to the extent required by this Agreement.

Repayment of Loan

During any period I am employed by the Employer, I hereby authorize the Employer to deduct from my salary, or amounts paid in lieu thereof, the repayment amounts set forth on the Loan Application. During any period of time when I am not receiving salary or amounts paid in lieu thereof (such as certain periods of layoff or leaves of absence) or my salary or other payment is insufficient to make the required repayment or if I should cancel my salary deduction authorization, I agree to make the scheduled repayment when due (or any deficiency therein) by check to the Employer. Loan repayment checks may be sent to:

Hartford Life Insurance Company
Retirement Plan Service Center
P.O. Box 1583
Hartford, CT 06144-1583

Please place the Hartford Life account number on the check when submitting loan repayments.

Event of Default

If any of the following events occur before this Loan, plus interest, is repaid in full, there shall be an event of default: (1) termination of my employment for any reason (including death); (2) a distribution is required to be made under a qualified domestic relations order affecting my Participant's Account and the distribution would exceed my interest in the Plan less the amount of the Loan outstanding plus accrued interest; or (3) my failure to repay the loan when due. Upon the event of default, I acknowledge that the entire outstanding balance of the Loan plus any accrued interest shall be considered immediately due and payable and interest will continue to accrue until the earlier of the date I repay the Loan in full or the date on which foreclosure occurs. If payment is not made by the end of the calendar quarter following the calendar quarter in which the default event occurred, the Loan plus any accrued interest will be in default and will be reported as taxable to the extent permitted by law and will be foreclosed upon at such time as the law permits. An early withdrawal penalty may also be applicable.

Early Repayment

I have the right to repay at the end of the quarter in full (but not in part) the outstanding principal balance of this Loan plus unpaid interest to the date of such repayment. Please call our Service Center at 1-800-528-9009 for a payoff quote.

Security Interest

I understand that the Loan shall be secured by a lien on my interest in the Plan equal to the value of the outstanding principal plus interest. Accordingly, I grant a security interest in, and a general lien upon, the vested balance of my Participant's Account as security for the payment when due of the principal and interest on the Loan.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that two Fire Department staff members (Lacey) Equipment Mechanic II and (Gillis) Electronic Systems Technician I, certification request for certification that their positions conform to RSA 100-A:1, VIII and meet the definition of "permanent fireman" be granted and approved.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee


K



City of Manchester Fire Department

100 Merrimack Street • Manchester, NH 03101-2208

(603) 669-2256 Business • (603) 669-7707 Fax

www.ci.manchester.nh.us

Joseph P. Kane
Chief of Department

TO: COMMITTEE ON HUMAN RESOURCES

FROM: JOSEPH P. KANE, CHIEF OF DEPARTMENT J.P.K.

DATE: SEPTEMBER 20, 2006

**RE: NEW HAMPSHIRE RETIREMENT SYSTEM
GROUP II CERTIFICATION**

I am submitting a request on behalf of two members of the Fire Department; Jay Lacey-Equipment Mechanic II and Vincent Gillis, Jr.-Electronic Systems Technician I to certify that their positions conform to RSA 100-A:1, VIII and meet the definition of "permanent fireman" (SEE ATTACHED).

On August 7, 2006 I received a letter from Virginia Lamberton (SEE ATTACHED).

In order to qualify for membership into Group II of the New Hampshire Retirement System a person must have following: (1) The authority and responsibility to engage in the prevention, control, or extinguishment of fires, and who performs activities that are required for and directly concerned with the prevention, control, or extinguishment of fires, including incidental non-firefighting functions. (2) As a job requirement is fully certified as a firefighter by the New Hampshire Fire Standards and Training Commission; and (3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as a firefighter that may be established by the certifying authority.

The Equipment Mechanic and Electronic Systems Technician positions within the department are required to report to multiple alarm fires to assist on the "fire ground". The Equipment Mechanic maintains the fire apparatus, i.e., fuels apparatus and maintains water pressure on the trucks. The Electronic Systems Technician oversees communication equipment assuring optimal equipment performance. Recently both Mr. Lacey and Mr. Gillis were involved with the emergency operations during the flooding which occurred during the week of May 14, 2006. Our standard operating procedure does not allow anyone to be on the "fire ground" at multiple alarm fires unless they are fully certified as a firefighter by New Hampshire Fire and Standards.

Both Mr. Lacey and Mr. Gillis were certified as firefighters by New Hampshire Fire Standards and Training on June 16th after eleven weeks of intensive training. (SEE ATTACHED)

I submit that Jay Lacey and Vincent Gillis, Jr. both meet the definition of "permanent firemen" and respectfully request that the Board of Mayor and Aldermen certify their positions.

Fire/Ambulance Emergency 9-1-1

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CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza

Manchester, New Hampshire 03101

Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065

www.ManchesterNH.gov



MEMORANDUM

To: Joe Kane, Chief
Fire Department

From: Virginia A. Lamberton
Human Resources Director

Re: Group II Certification

Date: August 7, 2006

In June, your office sent over two EIS forms to place two employees in the State Group II Retirement System. One employee is compensated as an Equipment Mechanic II and the other is compensated as an Electronic Systems Technician I. Due to my prior employment with the State of New Hampshire, your request appeared to be inconsistent with the provisions of RSA 110-A:1, VIII. Therefore, I sent your request to the Retirement System to determine whether or not it was provided for by law.

On August 4, 2006, I received the attached letter from Tamre McCrea, Field Representative, New Hampshire Retirement System. As you will note from her letter, it does not appear that it is appropriate to put these positions/employees into Group II. However, RSA 100-A1, VIII, states that the governing body, the Board of Mayor and Aldermen, may review the class specifications and if appropriate, certify that these positions conform to the definition of "permanent fireman". Then the attached forms would need to be completed and signed.

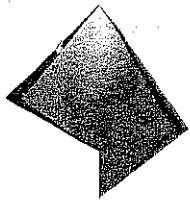
Please let me know how you would like to proceed. Thank you.

RECEIVED

AUG 08 2006

MANCHESTER FIRE DEPT

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NHRS

New Hampshire Retirement System

RECEIVED

AUG 04 2006

BOARD OF TRUSTEES

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Robert S. Leggett
Executive Director

August 2, 2006

MS GINNY LAMBERTON, HR DIRECTOR
CITY OF MANCHESTER
1 CITY HALL PLAZA
MANCHESTER NH 03101

Dear Ms. Lamberton,

This letter shall serve as follow-up to your initial inquiry via phone call to Maureen Kryger on June 21, 2006, and a follow-up call on July 7, 2006. At issue in those calls was the proposed enrollment of two City of Manchester employees in the NHRS Group II classification as firefighters. The NHRS appreciates your conscientiousness in wanting to make the appropriate determination. You informed NHRS that those positions were Equipment Mechanic II ("Mechanic") and Electronic Systems Technician I ("Electrician") and you provided class specifications for both positions. You also informed us that the individual who occupies the Equipment Mechanic II position is a fully certified Firefighter/EMT. As a starting point of the classification analysis, below please find the applicable statutory provisions under RSA 100-A:1 and 3.

RSA 100-A:1, VIII: " 'Permanent fireman,' for the purposes of membership in group II and other provisions of this chapter, shall mean any person, whether elected or appointed, who is regularly employed on a full-time basis by the state in a job certified by the director of personnel as conforming to the requirements of this paragraph, or by any of its political subdivisions in a job certified by the governing body of the political subdivision as conforming to the requirements of this paragraph, which job shall be in one of the following categories

(a) A firefighter who:

(1) Has the authority and responsibility to engage in the prevention, control, or extinguishment of fires, and who performs activities that are required for and directly concerned with the prevention, control, or extinguishment of fires, including incidental non-firefighting functions;

(2) As a job requirement is fully certified as a firefighter by the New Hampshire fire standards and training commission; and

(3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as a firefighter that may be established by the certifying authority. . . .

VIII-a. Notwithstanding the provisions of paragraph VIII of this section, 'permanent fireman' for purposes of membership in group II shall not include any of the following:

(a) Any dispatcher, mechanic, electrician, laboratory or clerical worker, technical expert, or other person employed in a fire department or by the division of forests and lands who does not meet all the requirements of paragraph VIII; provided, however, that performance

MS GINNY LAMBERTON
August 2, 2006
Page Two

of such functions by any person who as a job requirement does meet all the requirements of paragraph VIII shall not disqualify the person from membership in group II; or

(b) Any other person whose normal duties entail only indirect, occasional, or short-term exposure, or no exposure, to the hazards of firefighting.

VIII-b. "Job requirement" as used in paragraphs VIII and VIII-a of this section shall mean a requirement that must be met as a condition for employment in a particular job, either from the date of hire or within a specified time interval not to exceed 2 years after the date of hire."

RSA 100-A:3, VIII: "If there is any doubt as to the proper classification of a job in the retirement system, the trustees shall determine whether the person holding the job is an employee, teacher, permanent policeman, or permanent fireman as defined in RSA 100-A:1; provided, however, that a 2/3 vote shall be required to classify the job in group II, and further provided that in the case of a newly-created job held by more than one person, the job shall be classified in group I unless it is explicitly placed in group II by the legislation creating the job in the case of a state job, or by a majority vote of the legislative body of the political subdivision in the case of a political subdivision job."

In reviewing the job specifications of the Mechanic position it is clear that the primary duties are those of an auto mechanic, with no mention whatsoever of firefighter duties or required qualifications. For example, under the "General Statement of Duties", is written: *"Completes mechanical repair and maintenance work on vehicles and heavy equipment associated with large civic construction projects; . . ."* Likewise, the first sentence under "Distinguishing Features of the Class" is *"The principal function of an employee in this class is to ensure City vehicles and related equipment are kept in operable condition."* A sentence later in that paragraph states: *"The principal duties of this class are performed in a maintenance shop . . ."* Acceptable training and experience identifies automotive and heavy equipment training and repair only. The required qualifications list only two: on-call status and a Class B Commercial Driver's License ("CDL") with air brakes. There is no mention anywhere in the class specification of the firefighter requirements under RSA 100-A:1, VIII. In fact, RSA 100-A:1, VIII-a, lists a mechanic as a position not qualifying for firefighter classification. Further, the normal duties of the mechanic position fail to identify even indirect, occasional or short-term exposure to the hazards of firefighting under the same statutory provision.

A similar determination is derived at upon analyzing the Electrician duties vis-à-vis RSA 100-A. The "General Statement of Duties" states in relevant part,

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MS GINNY LAMBERTON
August 2, 2006
Page Three

"The principal function . . . is to maintain effective working emergency equipment. . . . The principal duties . . . are performed in both a general office environment and an outdoor work environment, with some exposure to high voltages." Training and experience references only electronics and/or microprocessor technology. The required qualifications lists the same two as in the Mechanic position - on-call status and a Class B CDL - as well as an FCC radiotelephone operator's license. Again, no mention whatsoever of any of the statutory firefighter requirements under RSA 100-A:1, VIII. However, the position of electrician, like that of a mechanic, is specifically identified under RSA 100-A:1, VIII-a, as a position not qualifying for firefighter classification.

RSA 100-A:1, VIII, requires that the governing body of the City's Fire Department review the Mechanic and Electrician job specifications in light of the statutory requirements and certify, if appropriate, that the jobs conform to the definition of "permanent fireman." If the governing body does make that determination, a Group II Certification Form is completed with governing body signatures (copies enclosed) and submitted to the NHRS.

If the governing body doubts the proper classification for these two positions, the provisions of RSA 100-A:3 VIII, apply and the NHRS Trustees shall make a determination as to whether the positions are Group II-eligible. The NHRS shall await the City's decision in this matter.

A close review of the sections relative to the NH Fire Standards and Training firefighter certification as a job requirement may be helpful in the City's deliberation to determination Group II eligibility. Please let me know if I might be of further assistance in this matter.

Sincerely,



Tamre McCrea
Field Representative

Enclosures
cc: City of Manchester file

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NEW HAMPSHIRE RETIREMENT SYSTEM
4 CHENELL DRIVE
CONCORD, NEW HAMPSHIRE 03301-8509
(603) 271-3351

GROUP II POSITION CERTIFICATION FORM

INFORMATION:

- (1) Position Identification Number - is a unique number relating to a position occupied by one person. A town, for example, employing 20 employees under class "police officer" would assign a different position number to each of its 20 police officer positions. A position identification number will remain the same even as members occupying the position change. An employee reference number, such as a social security number, should not be used as the position identification number.
- (2) Governing Body - such as the board of Selectmen or Aldermen.

SECTION A: IDENTIFICATION *(Please type or print)*

Position Title Electronic Systems Technician	Position Identification Number 248
Employer Name Manchester Fire Department	Employer Account Number
Employer Address 100 Merrimack St	Employer Telephone Number 669-2256
Name of Present Incumbent (If any) Vincent Gillis, Jr.	

SECTION B: CERTIFICATION *(Please type or print)*

I/We _____ hereby certify that the above position satisfies <u>all</u> job requirements for Group II classification in accordance with the definition of:		
Check one:		
<input checked="" type="checkbox"/> Fireman, pursuant to RSA 100-A:1, VIII, VIII-a and VIII-b as amended.		
<input type="checkbox"/> Policeman, pursuant to RSA 100-A:1, VII, VII-a and VII-b as amended.		
_____ <i>Signature</i>	_____ <i>Title</i>	_____ <i>Date</i>
_____ <i>Signature</i>	_____ <i>Title</i>	_____ <i>Date</i>
_____ <i>Signature</i>	_____ <i>Title</i>	_____ <i>Date</i>
_____ <i>Signature</i>	_____ <i>Title</i>	_____ <i>Date</i>
_____ <i>Governing Body or Authorized Designee(s)</i>		



VIII. "Permanent fireman," for the purposes of membership in group II and other provisions of this chapter, shall mean any person, whether elected or appointed, who is regularly employed on a full-time basis by the state in a job certified by the director of personnel as conforming to the requirements of this paragraph, or by any of its political subdivisions in a job certified by the governing body of the political subdivision as conforming to the requirements of this paragraph, which job shall be in one of the following categories

(a) A firefighter who:

(1) Has the authority and responsibility to engage in the prevention, control, or extinguishment of fires, and who performs activities that are required for and directly concerned with the prevention, control, or extinguishment of fires, including incidental non-firefighting functions;

(2) As a job requirement is fully certified as a firefighter by the New Hampshire fire standards and training commission; and

(3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as a firefighter that may be established by the certifying authority.

(b) A forest ranger of the division of forests and lands who:

(1) Has the responsibility to engage in the prevention, control, or extinguishment of forest fires and activities related to the fighting of forest fires;

(2) As a job requirement is fully certified as a forest ranger qualified to fight forest fires by the New Hampshire fire standards and training commission, or by the director of the division of forests and lands; and

(3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as a forest ranger that may be established by the certifying authority.

VIII-a. Notwithstanding the provisions of paragraph VIII of this section, "permanent fireman" for purposes of membership in group II shall not include any of the following:

(a) Any dispatcher, mechanic, electrician, laboratory or clerical worker, technical expert, or other person employed in a fire department or by the division of forests and lands who does not meet all the requirements of paragraph VIII; provided, however, that performance of such functions by any person who as a job requirement does meet all the requirements of paragraph VIII shall not disqualify the person from membership in group II; or

(b) Any other person whose normal duties entail only indirect, occasional, or short-term exposure, or no exposure, to the hazards of firefighting.

VIII-b. "Job requirement" as used in paragraphs VIII and VIII-a of this section shall mean a requirement that must be met as a condition for employment in a particular job, either from the date of hire or within a specified time interval not to exceed 2 years after the date of hire.

K



City of Manchester

Office of the Mayor
Hon. Frank C. Guinta

October 3, 2006

The Honorable Board of Mayor & Aldermen
One City Hall Plaza
Manchester, NH 03101

Dear Members of the Honorable Board:

Pursuant to Section 3.14 (b) of the City Charter, please find below the following nominations:

- (1) Saheed Dahar to succeed Matthew J. LaPointe (resignation) as a member of the Board of Trustees of Trust Funds, term to expire January 2008;
- (2) Marc Montville to succeed Michael Rockwell as the labor representative to the Safety Review Board.

These nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor & Aldermen. Your consideration of these nominees is appreciated in advance.

Sincerely,

Frank C. Guinta
Mayor

7-8

Attorney S. William Dahar II
Dahar Law Firm
20 Merrimack Street
Manchester, NH 03101
Tel: 603.622.6595
fax: 603.645.6499
email: swd2@att.net
www.dahar.com

Attorney at Law 1992-Present
Dahar Law Firm, Manchester, NH

- Admitted to practice in New Hampshire and Massachusetts 1992.
- Admitted to practice before the Federal District Courts for the Districts of Massachusetts and New Hampshire.
- Admitted as a member of the First Circuit Court of Appeals (Boston, MA) and the United States Supreme Court (Washington, D.C.).
- United States Bankruptcy Court For the District of New Hampshire
- Supreme Court State of New Hampshire
- American Arbitration Association: Contract Negotiation and Litigation Counsel
- Adjunct Instructor in the area of Business Law: Southern New Hampshire University School of Business (Fall 2006)

EDUCATION:

Graduate The Derryfield School, Manchester, NH 1985
Graduate Fordham University (B.A. History) New York, N.Y. 1989
Graduate Boston College Law School, (J.D.) Newton, MA 1992

PROFESSIONAL ASSOCIATIONS:

New Hampshire Trial Lawyers Association
American Bankruptcy Institute
Manchester Bar Association
New Hampshire Bar Association
Massachusetts Bar Association

COMMUNITY ACTIVITIES:

Board of Trustees Manchester Historic Association
Member Manchester Chamber of Commerce
Member Granite State Referral Network Inc.
Former Board Member Manchester Area Child and Family Services
Former Board Member Manchester Area American Heart Association
Former Board Member New Hampshire March of Dimes.
Former Tennis Instructor Manchester Policeman's Athletic League

LEGAL CONCENTRATION:

S. William concentrates practice in the following areas: Civil Litigation, Business Law, Commercial Litigation, Personal Injury Plaintiffs Litigation, Mechanics Lien law, Corporate Law, Commercial Arbitration, Wills, Trusts and Divorce.



**City Of Manchester
Department of Highways
Environmental Protection Division**

300 Winston Street
Manchester, New Hampshire 03103-6826
(603) 624-6595 Fax (603) 628-6234

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

October 10, 2006

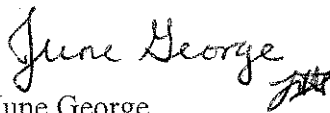
The Honorable Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

RE: Warrant for Sewer Charges Levy 2006
Period #2

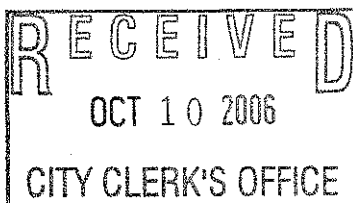
Dear Board Members:

Please be advised that the warrant for Sewer Charges encompassing all delinquent sewer rental charges from 5/12/06, to 8/17/06 in accordance with RSA:9 and 252:10, that are to be committed to the Collector of Taxes will be included on the agenda for the October 17, 2006 meeting of the Board of Mayor and Aldermen. A clerk will submit the amount of said warrant at the time of the meeting.

Sincerely,


June George
Business Service Officer

/JG



13

City of Manchester
New Hampshire

In the year Two Thousand and six

AN ORDINANCE

“Amending Section 33.026 (Public Health Director) of the Code of Ordinance of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Change class specification, Public Health Director, Class Code 7110
(see attached) exempt

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

City of Manchester New Hampshire

In the year Two Thousand and Six

A RESOLUTION

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

SECTION 1. That there be and hereby is authorized under and pursuant to the Municipal Finance Act, and any other enabling authority, the issuance and sale of general obligation serial bonds, notes or lease purchases of the City in the aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) at one time or from time to time as one or more separate bond, note or lease purchase issues for purposes stated in Section 3 of said Act, as more specifically hereinafter indicated. The bonds, notes or lease purchases of each issue shall bear the City Seal, shall be signed by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the Finance Officer and shall be payable in such annual installments as shall be determined by the Finance Officer with the approval of the Mayor. Except as otherwise provided by law and this Resolution, discretion to fix the date, maturities, denomination, place of payment, form and other details of each issue of said bonds, notes or lease purchases and of providing for the sale thereof is hereby delegated to the Finance Officer.

SECTION 2. That the proceeds of said bonds, notes or lease purchases be and they are hereby appropriated for the purpose of financing costs of the following public works and improvements of a permanent nature, hereby authorized namely,

<u>Purpose</u>	<u>Amount</u>
2007 CIP 511307, JFK Coliseum Rehabilitation Project	\$1,750,000

It is hereby declared that the public works and improvements to be financed by said bonds, notes or lease purchases have a useful life in excess of 20 years.

SECTION 3. That the Finance Officer, with the approval of the Mayor, is hereby authorized to issue at one time or from time to time notes in anticipation of said bonds, notes or lease purchases and to renew or refund the same under and pursuant to and to the extent authorized by RSA 33:7a.

SECTION 4. That an amount sufficient to pay the principal of and interest on said bonds, notes or lease purchases payable in each year during which they are outstanding be and hereby is appropriated and, to the extent other funds are not available for such purpose, said amount shall be included in the tax levy for each year until the debt represented by said bonds, notes or lease purchases is extinguished.

City of Manchester New Hampshire

In the year Two Thousand and Six

A RESOLUTION

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

SECTION 5. That the bonds, notes or lease purchases herein authorized may be consolidated with any other issue of bonds, notes or lease purchases heretofore or hereafter authorized, provided that the last annual installment of any such consolidated issue shall be payable not later than the date on which the last annual installment of the bonds, notes or lease purchases herein authorized must be payable pursuant to this Resolution.

SECTION 6. This Resolution shall take effect upon its passage.

City of Manchester New Hampshire

In the year Two Thousand and Six

A RESOLUTION

“Amending the FY 2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 1 contains all sources of Federal, State and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept additional funds in the amount of \$10,000 from US Economic Development Administration (EDA) for the completion of the Downtown & Economic Strategies Report;

NOW, THEREFORE, be it resolved that the 2005 CIP be amended as follows:

1) By increasing:

FY2005 CIP 613205 – Downtown & Economic Strategy Project - \$10,000 EDA
From \$219,800 (\$201,536 Other and \$18,264 CDBG) to \$229,800 (\$211,536 Other and \$18,264 CDBG)

Resolved, that this Resolution shall take effect upon its passage.

City of Manchester New Hampshire

In the year Two Thousand and Six

A RESOLUTION

"Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2007 CIP as contained in the 2007 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept grant funds in the amount of \$70,000 from the State For Community-Based Tobacco Prevention & Control Services to assist in promoting tobacco prevention and cessation initiatives;

NOW, THEREFORE, be it resolved that the 2007 CIP be amended as follows:

By adding:

FY2007 CIP 214107 – Community-Based Tobacco Prevention & Control Program-\$70,000 State

Resolved, that this Resolution shall take effect upon its passage.

12

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.

ought to pass.

(Aldermen Duval, Lopez, Garrity, and Pinard recorded in favor; Alderman Gatsas opposed)

IN BOARD OF MAYOR & ALDERMEN

DATE: September 5, 2006

ON MOTION OF ALD. Garrity

SECONDED BY ALD. Smith

VOTED TO table.


CITY CLERK

Respectfully submitted,



Clerk of Committee

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, and 875-16."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

SECTION 1. "Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (General Industrial/Industrial Park) located on Gold Street including Tax Map 875, Lots 14, 15, and 16, and being more particularly bounded and described as follows:

Beginning at a point on the centerline of the intersection of Gold Street and John E. Devine Drive extended, said point being on the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment;

Thence, easterly along the centerline of Gold Street, also being the zone boundary line between the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, approximately 965 ft. to a point;

Thence, southerly along the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, a distance of approximately 570 ft. to a point;

Thence, southwesterly along the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, a distance of approximately 1,075 ft. to a point;

Thence, northwesterly generally along the centerline of the former Lawrence Branch of the Boston and Maine Railroad, a distance of approximately 1,090 ft. to a point, said point being the zone boundary line of the R-1B (Residential One-Family) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment;

Thence, easterly along the centerline of Gold Street, also being the new zone boundary line between the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, after this amendment, a distance of approximately 515 ft. to a point, said point also being the point of beginning.

Said description to include TM 875, Lot 14, Lot 15, and Lot 16 consisting of approximately 19.43 acres of private land, to be rezoned from IND (General Industrial/Industrial Park) to B-2 (General Business) zone district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.

DEVINE
MILLIMET

ATTORNEYS AT LAW

By Hand Delivery

SUSAN V. DUPREY
603.695.8505
SDUPREY@DEVINEMILLIMET.COM

June 19, 2006

Office of the City Clerk
One City Hall
Manchester, NH 03101-2097

RE: GFI Gold Street, LLC - Petition for Rezoning

Dear Sir or Madam:

Enclosed please find a Petition for rezoning parcels Map 875, Lot 15 and Map 875, Lot 16. Also enclosed is our check in the amount \$300.00. Our office represents GFI, which requests this rezoning.

Please feel free to contact me should you have any questions regarding this matter or if additional information is required. Thank you.

Very truly yours,



Susan V. Duprey

SVD:ml

Enclosures

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July 11, 2006.

In Board of Mayor and Aldermen.

On motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to refer the petition for rezoning to a Public Hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall and further to authorize execution of agreements enclosed subject to the review and approval of the City Solicitor.



City Clerk

STATE OF NEW HAMPSHIRE
CITY OF MANCHESTER

GFI GOLD STREET, LLC

PETITION FOR REZONING

NOW COMES the Petitioner, GFI Gold Street, LLC, by and through its attorneys, Devine, Millimet & Branch, Professional Association, and petitions the Board of Mayor and Aldermen of the City of Manchester, in accordance with Article 16 of the City of Manchester Zoning Ordinance, to change the zone of and amend the Zoning Map regarding 2 parcels of land, one of which is located at 725 Gold Street and the other of which is near Gold Street, County of Hillsborough, City of Manchester and identified as Map 875 Lot 15 and Map 875 Lot 16 in the tax records for the City of Manchester. In support thereof, Petitioner states as follows:

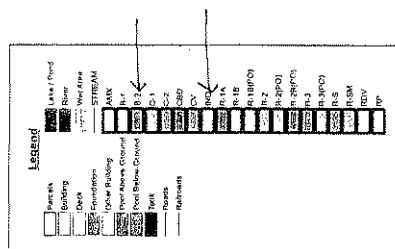
1. GFI Gold Street, LLC is the owner of record of that parcel of land located at 725 Street and identified as Map 875 Lot 15 in the tax records of the City of Manchester (Property 1). Property 1 is approximately 15.178 acres in size and was formerly the site of Associated Grocers which has since relocated. Property 1 is currently zoned Industrial.

2. Ashkars Children's Limited Liability Company and John N. Ashkars own a parcel near Gold Street which has no building situate on it and abuts Property 1 which land is identified as Map 875 Lot 16 in the tax records of the City of Manchester ("Property 2"). Property 2 is approximately 36,864 square feet in size and is also zoned Industrial. Property 2 is subject to a purchase agreement in favor of GFI Gold Street, LLC.

3. The Petitioner, GFI Gold Street, LLC, for itself as owner of Property 1 and as agent for the owners of Property 2, seeks to change the zoning classification of Property 1 and Property 2 from Industrial to B-2 in order to locate a retailer on Property 1 and Property 2.

4. A copy of the tax map showing Property 1 and Property 2 as situated in the Industrial Zone and the zoning designations for the surrounding properties is attached is Exhibit A.

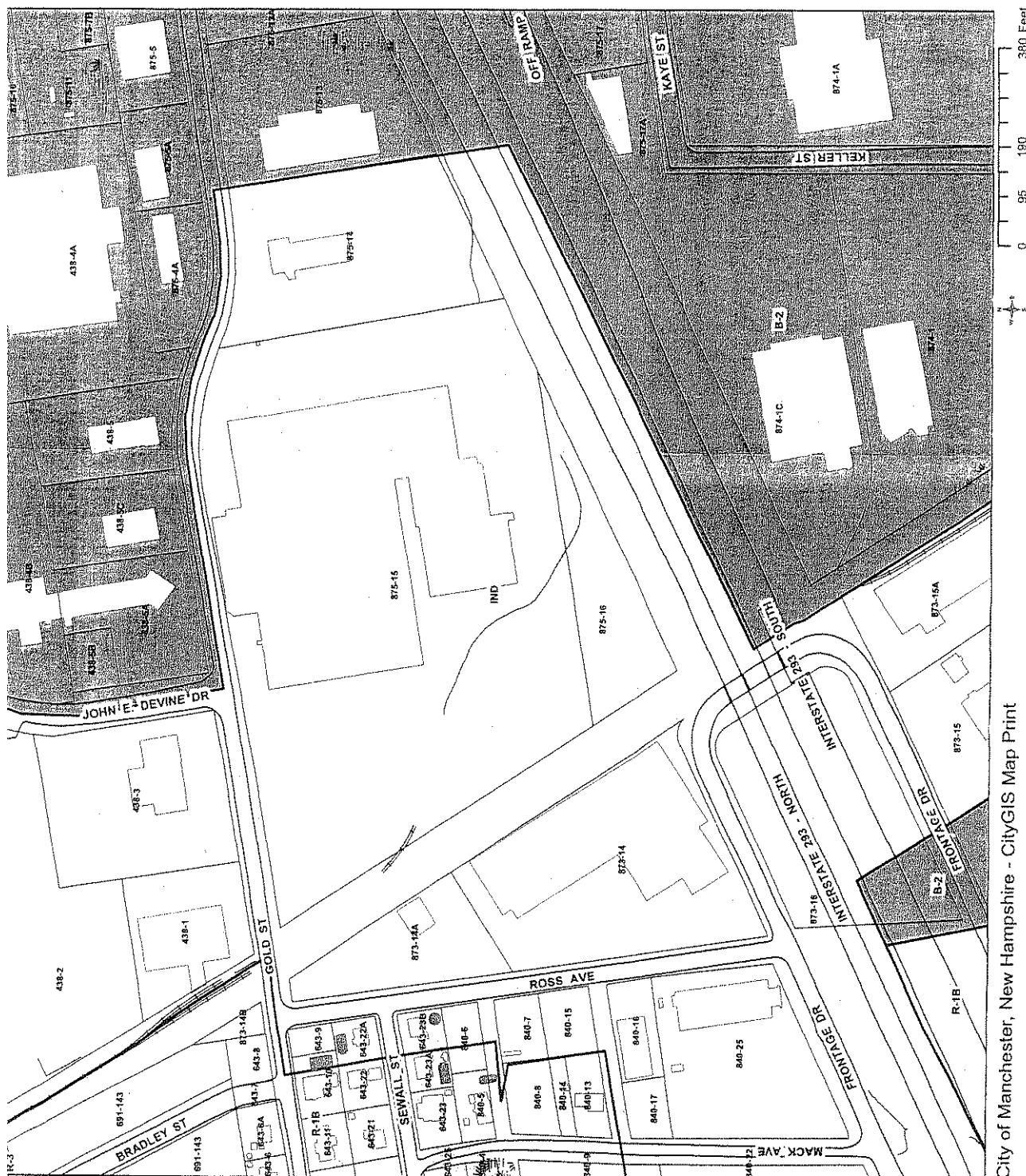
5. It is believed that the change of zone will have little impact on the surrounding area in that much of the surrounding area was either zoned B-2, has been rezoned from



DISCLAIMER

The information appearing on this map is for the convenience of the user and is not an official record of the City of Manchester. Not the least, it does not represent a warranty of quality. All companies, institutions, agencies, organizations, etc., are responsible for their own accuracy. We have endeavored to provide the most current information available. We have considered approximations, and as such have no official or legal value.

The City makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this information for any particular use. The City assumes no liability whatsoever associated with the use or misuse of this information. The official public records from which this information was compiled is kept in the City Clerk's Office at various City, County, and State offices. It is recommended that you consult the appropriate office for inspection and copying during normal business hours. By filing this map, you agree to these terms and conditions.



City of Manchester, New Hampshire - CityGIS Map Print

Exhibit C

Legal Description for Lot 875-15, located at 725 Gold Street, Manchester:

A certain tract or parcel of land with the buildings thereon, situate in Manchester, Hillsborough County, State of New Hampshire, being Lot 875-15 on Plan #_____, entitled "ALTA/ACSM Land Title Survey, 725 Gold Street in Manchester, New Hampshire (Hillsborough County), dated December 22, 2005, prepared by BSC Group, more particularly bounded and described as follows:

Beginning at a point on the northeasterly corner of the Lot on the southerly line of Gold Street; thence

1. South $9^{\circ} 17' 43''$ East, a distance of 80.15 feet to a concrete bound found; thence
2. South $09^{\circ} 76' 53''$ East, a distance of 488.15 feet by the westerly side of Lot 875-14; to a an iron pipe at the southeasterly corner of the lot; thence
3. South $64^{\circ} 53' 52''$ West, a distance of 310.73 feet by the northerly line of the Interstate Highway 293 to an iron pipe; thence
4. South $82^{\circ} 28' 33''$ West, a distance of 517.33 feet by the northerly line of Lot 875-16 to an iron pipe at the southeasterly corner of the premises; thence
5. North $32^{\circ} 51' 25''$ West, a distance of 21.90 feet to an iron pipe; thence
6. North $08^{\circ} 01' 16''$ West, a distance of 19.62 feet to an iron pipe; thence
7. North $32^{\circ} 51' 25''$ West, a distance of 714.62 feet by the easterly side of the rail road tracks to an iron pipe at the northwest corner of the premises on the southerly line of Gold Street; thence
8. North $80^{\circ} 33' 28''$ East, a distance of 305.63 feet by the southerly line of Gold Street to an iron pipe; thence
9. North $80^{\circ} 16' 28''$ East, a distance of 586. 18 feet by the southerly line of Gold Street to an iron pipe; thence
10. Curving in a southeasterly direction with a radius of 399.80 feet, along the southerly line of Gold Street, a distance of 230.44 feet to the point of beginning.

Containing 15.178 Acres, more or less.

Legal Description for Lot 875-16, located on Gold Street, Manchester:

A certain Tract or parcel of land, situated in Manchester, bounded and described as follows:

Beginning at a point on the southwest corner of the premises north of the Interstate Highway 293, thence

1. North $32^{\circ} 51' 25''$ West along said Manchester-Lawrence Railroad for a distance of 157.68 feet, more or less to an iron post set at land of Associated Grocers; thence
2. South $82^{\circ} 28'$ East for a distance of 517.33 feet, more or less to the interstate Highway 293; thence
3. South $64^{\circ} 53' 52''$ West for a distance of 471.90, along said Interstate Highway 293 to the point of beginning.

J:\wdox\docs\clients\16717\76570\M0869436.DOC

RECEIVED
MANCHESTER CITY CLERK

Ashkar Children's Trust Limited Liability Company
Mrs. Georgette Ashkar, Managing Member
8160 East Quincy Avenue
Cherry Hills Village, CO 80111
(303) 796-8128

Mr. John Ashkar
29 Fairmount Drive
Danbury, CT 06811
(203) 792-4963
JUN 20 P12:21

June 19, 2006

The Board of Mayor and Aldermen
of the City of Manchester
One City Hall
Manchester, NH 03101-2097

Re: Authorization to Pursue Rezoning

To Whom It May Concern:

We, the undersigned, being the owners of the real property sometimes referred to as Map 875, Lot 16, located near Gold Street in Manchester, New Hampshire, hereby grant our authority to GFI Gold Street, LLC, to take any and all actions required or deemed necessary to re-zone the property from "Industrial" to "B 2".

Thank you for your attention to this matter, and if you have any questions please contact our counsel, Susan Perkins of Perkins Ruschena, LLC, at (303) 779-8100.

Sincerely,

Ashkar Children's Trust Limited Liability
Company


By: Georgette Ashkar, Managing Member


By: John Ashkar



CITY OF MANCHESTER

Planning and Community Development



Robert S. MacKenzie, AICP
Director

Planning
Community Improvement Program
Growth Management

Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

June 28, 2006

Mr. Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: *Technical Review, Rezoning Petition – Gold Street*

Dear Mr. Bernier:

In accordance with the procedures on rezoning requests, the following information is being provided to your office in consideration of a rezoning request filed by the owner of one property and agent for a second property on Gold Street (including two lots: Lot 875-15 and 875-16). The subject parcels are located on the south side of Gold Street east of the former Lawrence Rail Branch. The first property is 15.2 acres currently containing the Associated Grocers Building and the second is .85 acres in size that is vacant. The subject properties are currently zoned *Industrial (IND)*. The applicant is requesting that the zoning district be changed to General Business (*B-2*).

Presently, while the parcels are adjacent to a B-2 on one side, the rezoning action would create one parcel that would be zoned IND and surrounded by B-2. As this could be considered spot zoning, we would recommend that the parcel at 835 Gold Street (Lot 875-14; 3.42 acres) also be considered by the Board for rezoning from IND to B-2. In the 1993 Master Plan for the City of Manchester, this area was identified as Industrial land use although the plan also recognized that extension of the business zone into areas of industrial zone was likely and that certain precautions should be taken. The key precaution from the Master Plan as it relates to this rezoning request states "...the proposed district should be evaluated to insure that possible projects will not encourage additional traffic impacts upon residential areas..." The applicants, working with the City, have devised a traffic calming plan to mitigate impacts on Gold Street and Sewall Street which may be considered by the Board of Mayor and Aldermen.

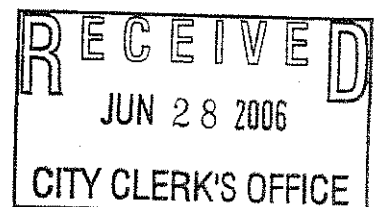
From a technical perspective, the petition may be forwarded to the Board of Mayor and Aldermen for consideration. Consistent with the policy for rezoning petitions, the planning staff is providing a copy of the petition to the Planning Board, the Building Department and the Office of the City Solicitor for comment.

I will be available for any questions that the Board may have.

Sincerely,


Robert S. MacKenzie, AICP
Planning Director

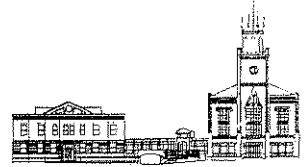
C: Planning Board
Office of the City Solicitor
Building Department
Economic Development Office
One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov





CITY OF MANCHESTER

Manchester Economic Development Office



August 3, 2006

Honorable Board of Mayor and Aldermen
City of Manchester
One City Hall Plaza
Manchester, NH 03101

RE: Proposed Amendment to Zoning Map – Gold Street

Honorable Board Members:

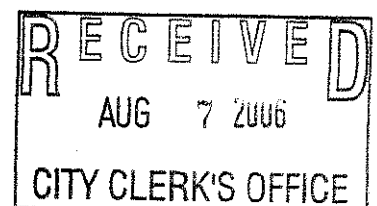
This to recommend the extension of the B-2 Zoning District to encompass the former Associated Grocer's Site, 725 Gold Street and an adjacent parcel. The proposed redevelopment of the Associated Grocers site into a new Home Depot store is projected to cost over \$21,000,000 and generate \$193,000 in new property tax revenue to the City annually. In addition the project will allow Home Depot to expand in the City of Manchester, rather than relocating out-of-town. The existing space leased by Home Depot is in great demand by quality national retailers and will be redeveloped in short order.

In addition GFI/Home Depot development venture is contributing \$4,000,000 to the Gold Street Improvement Project. This project will widen and/or bypass narrow portions of Gold Street and improve and signalize neighborhood street intersections resulting in improved traffic flow, increased safety, curbside visitor parking, sidewalks and landscaping. This improvement to Gold Street will enable the City to entertain additional retail zoning requests near the Associated Grocer/Home Depot site which could generate significant additional investment and new property tax revenue while reducing industrial traffic truck traffic in the area. Based on acreage and lot coverage projections, the City could realize as much as \$184,000 in additional new property tax revenue from future adjacent retail development. In addition, the City could negotiate to recover a portion of the City's Gold Street improvement costs from future developers.

The Gold Street site is adjacent to the growing and successful South Willow Street retail district in close proximity to residential neighborhoods. Industrial truck traffic is incompatible with consumer and neighborhood traffic automobile. In my recommendation that the highest and best use of this site is retail, not industrial.

Sincerely,


Paul J. Borek
Economic Development Director



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery

ought to pass.

(Aldermen Duval, Lopez, Garrity, and Pinard recorded in favor; Alderman Gatsas opposed)

IN BOARD OF MAYOR & ALDERMEN

DATE: September 5, 2006

ON MOTION OF ALD. Garrity

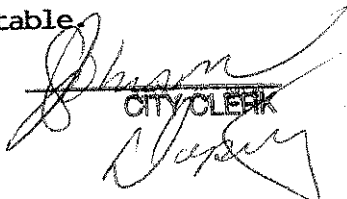
SECONDED BY ALD. Smith

VOTED TO table

Respectfully submitted,



Clerk of Committee



City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery and being more particularly bounded and described as follows:

Beginning at a point at the centerline of Bradley Street at a point opposite the property lines of New Beech Hill Development Company, LP (TM 691-15A) and the Diocese of Manchester (shown on a subdivision plan approved by the Planning Board on February 23, 2006 as TM 691-143-1), said point being on the zone boundary line of the R-3 (Urban Multi-family) district and the R-1B (Single-family), prior to this amendment;

Thence, westerly across the Right of Way of Bradley Street and continuing along the northerly boundary of said property of the Diocese of Manchester TM 691-143-1, said line also being the zone boundary line between the R-3 (Urban Multi-family) district and the R-1B (Single-family), prior to this amendment, approximately 1206 ft. to a point;

Said point being the end of the northerly boundary of the Diocese of Manchester TM 691-143-1, and at the intersection with the following properties: TM 691-143, TM 691-135, TM 691-136 and TM 691-15A;

Thence, southerly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of 285.94 ft. to a point;

Thence, easterly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of 295.71 ft. to a point;

Thence, southerly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of approximately 130 ft. to a point, said point being on the edge of the proposed Right of Way of the Gold Street Bypass;

Thence, easterly across the Right of Way of the Gold Street Bypass to the centerline of said Bypass a distance of approximately 30 feet to a point;

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Thence, northeasterly and easterly along the centerline of the Right of Way of the Gold Street Bypass as extended to the centerline of Bradley Street a distance of approximately 1,017 feet to a point;

Thence northerly along the centerline of Bradley Street to a point opposite the property lines of New Beech Hill Development Company, LP (TM 691-15A) and the Diocese of Manchester (TM 691-143-1) a distance of approximately 324 feet to a point, said point also being the point of beginning.

Said description meaning to include a portion of property of the Diocese of Manchester (shown on a subdivision plan approved by the Planning Board on February 23, 2006 as TM 691-143-1) consisting of approximately 8.1 acres of private land, to be rezoned from the R-1B (Single-family) zoning district to the R-3 (Urban Multi-family) zoning district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

July 20, 2006

Honorable Board of Mayor and Aldermen
City Hall
One City Hall Plaza
Manchester, New Hampshire 03101

re: Rezoning of Diocese Property behind Gold Street

Honorable Board Members:

This is to submit a request for rezoning for a portion of the Diocese Property adjacent to the proposed Gold Street Bypass from a single-family district (R-1B) to a multi-family district (R-3). The agreement that the Board recently acted upon called upon the City to initiate this rezoning. The Diocese has offered to donate the land necessary to create the new Gold Street Bypass as part of an overall plan to mitigate traffic in the area.

As this rezoning and the subsequent dedication of street area is necessary to complete the traffic improvements, it may be appropriate for the Board to time the final action on the rezoning of the Associated Grocers site with the rezoning of the Diocese property to insure that the creation of the Bypass is feasible.

From a technical standpoint, the Diocese rezoning is an extension of an existing multi-family zoning district and there are no other specific issues to preclude the rezoning to proceed to public hearing.

If you have any questions, I will be available at your next meeting.

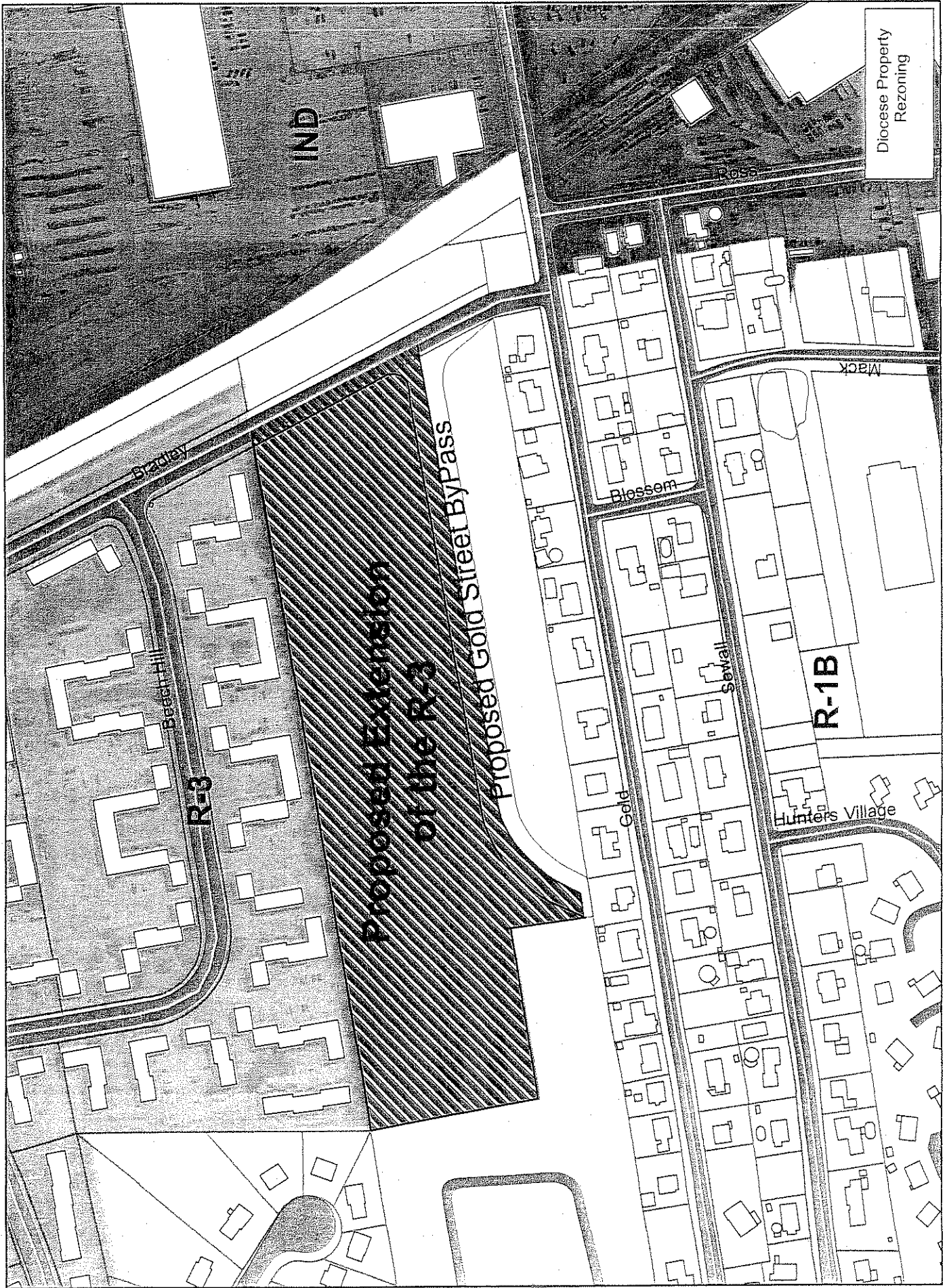
Sincerely,

Robert S. MacKenzie, AICP
Director of Planning & Community Development

C: Planning Board
Building Department
Brad Cook
Tom Arnold
Paul Borek

18

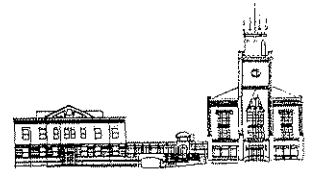
One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov





CITY OF MANCHESTER

Manchester Economic Development Office



August 3, 2006

Honorable Board of Mayor and Aldermen
City of Manchester
One City Hall Plaza
Manchester, NH 03101

RE: Proposed Amendment to Zoning Map – Diocese Property Behind Gold Street

Honorable Board Members:

This is to recommend that the R-3 Zoning be extended south to encompass a 9-acre parcel created by the Manchester Diocese donation of right-of-way for the proposed Gold Street Bypass. The remaining Diocese property, between the new Gold Street Bypass and existing single family homes will retain single family zoning allowing for a compatible buffer between existing homes and the proposed Bypass.

By donating the requested right-of-way, the Manchester Diocese enabled the City of Manchester, with the generous assistance of Home Depot, to solve a decades old traffic problem in the Gold Street neighborhood. Without the Diocese donation of right-of-way, further redevelopment of the Gold Street would be prohibited. Doing so allows Home Depot to expand, create new property tax revenue and allows other retailers to expand in or relocate to adjacent parcels the City of Manchester.

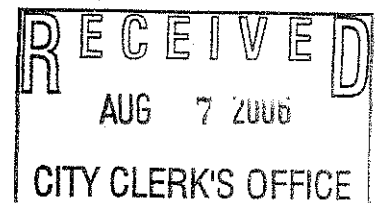
The Global Economic Development Strategy prepared by AngelouEconomics recommends that the City of Manchester “promote diverse housing that is affordable for local workers”, noting the following excerpt from the National League of Cities (<http://www.nlc.org>):

Local governments are responsible to their residents for maintaining communities where their people can live, work, enjoy recreational activities, and access services. Affordable housing, comprehensive community development, and well-planned and coordinated land use foster communities that are vibrant, diverse and sustainable. Further, these are critical components to the economic vitality of communities and local economic regions for creating jobs and increasing municipal tax base.

While this parcel is being considered for market rate development, Manchester’s growing employee base in The Millyard, Downtown and throughout the City includes skilled technology and financial service professionals who need housing appropriate to their desires, lifestyle and budgets. New Hampshire business leaders and demographic experts have articulated concerns about maintaining sufficient housing availability for the demand of a growing business economy. The requested rezoning helps to address the need for housing to accommodate the growing Manchester employment base. For these reasons, your approval of this request is recommended.

Sincerely,

Paul J. Borek
Economic Development Director



One City Hall Plaza, Manchester, NH 03101 Phone (603) 624-6505 Fax (603) 624-6308
E-mail: econdev@ci.manchester.nh.us www.ci.manchester.nh.us

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To the Board of Mayor and Aldermen of the City of Manchester:

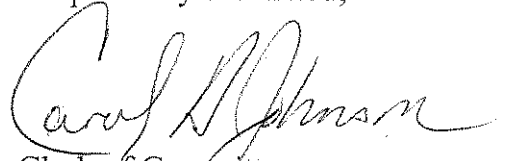
The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinances:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

ought to pass as amended.

(Unanimous vote except for Alderman Gatsas who was absent.)

Respectfully submitted,


Clerk of Committee



City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.

SECTION II. Article 4.01 B Overlay Districts

Article 4.01(B) 10 Lake Massabesic Protection Overlay District (LMPOD)

The purpose of this overlay district is to protect the Lake Massabesic drinking water supply to the City of Manchester.

SECTION III. Article 4.02 Official Zoning Maps

4.02 (A) “... the Historic Districts Overlay districts, the Arena Overlay District, the Manchester Landfill Groundwater Management Zone Overlay District, and the Lake Massabesic Protection Overlay District.”

SECTION IV. Article 7 Special District-Wide Regulations

7.11 Lake Massabesic Protection Overlay District (LMPOD)

A. Authority for the Lake Massabesic Protection Overlay District

The Lake Massabesic Protection Overlay District is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls.

B. Establishment of the Lake Massabesic Protection Overlay District

The Lake Massabesic Protection Overlay District includes the entire Lake Massabesic watershed located in Manchester. This area is called out to avoid impacts that may affect the drinking water supply over the long term, addressing such issues as stormwater contamination, imperviousness, steep slope disturbance and other land use activities that could potentially be a nonpoint source water quality issue or diminish surface water recharge. EPA Phase II Stormwater Regulation criteria applies to all development creating disturbance to land in the Lake Massabesic Protection Zone.

C. Prohibitions within the Lake Massabesic Protection Overlay District

1. Regardless of the underlying zone, the following land uses, as listed in Article 5.10 Table of Principal Uses and Table 5.11 Table of Accessory Uses are deemed incompatible with the intent of and prohibited in the Lake Massabesic Protection Overlay District:

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

Use No.	Use	Critical
E.1	Taxi, bus, rail terminal	X
I.1	Sales or rental of motor vehicles	X
I.2	Sales, rental, repair of boats, etc	X
I.3	Sales, rental, repair of heavy eq.	X
I.4	Automotive repair	X
I.5	Automotive service station	X
I.6	Carwashes and car care centers	X
M.2	Accessory outside storage ind	X
M.3	Accessory manufacturing use	X

2. In addition, the following restrictions and/or prohibitions of land uses apply within 50 feet of waterways or wetlands in the Lake Massabesic Protection Overlay District: No impervious surfaces (driveways, parking lots, roads, etc.). Residential lots of 12,500 square feet or less shall be exempt from this requirement.

D. Additional Restrictive Policies Pertaining to the Lake Massabesic Protection Overlay District.

In addition to the restrictions listed in this LMPOD, the District is also subject to criteria and guidelines contained in the following documents on file in the City:

- City Stormwater Ordinance (and any subsequent revisions) - Highway Department
- City Stormwater Rules and Regulations (and any subsequent revisions) - Highway Dept.
- Subdivision and Site Plan Regulations (and any subsequent revisions) - Planning Department

SECTION V. Article 14.02 Powers and Duties of the ZBA

14.02 (B) 6 "Any proposed non-residential variance request located within the Lake Massabesic Protections Overlay District shall be forwarded to the Manchester Water Works for comment prior to the hearing on the variance."

SECTION VI. Resolve this ordinance shall take effect upon passage.



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

September 15, 2006

Committee on Bills on Second Reading
Board of Mayor and Aldermen, City Hall
One City Hall Plaza
Manchester, NH 03101

re: *Proposed Lake Massabesic Protection Overlay District*

Honorable Committee Members:

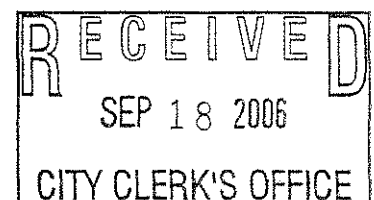
Following the public hearing, we have met with representatives of the Manchester Water Works to discuss the public comments and review options. We are recommending four changes to the ordinance and are providing several comments on the issues raised.

Recommended Changes:

- 1) As suggested at the hearing, we are proposing to eliminate the phrase "...or septic systems." from Section 7.11 C 2. As such, regulation of septic systems would not be changed by the proposed ordinance.
- 2) We recommend that 7.11 C 2. also be amended by adding the following sentence at the end of the Section:
"Residential lots of 12,500 square feet or less shall be exempt from this requirement."
This will insure that smaller lots within the overlay area, that have less room to place impervious surfaces, will not be impacted by the requirements.
- 3) We are suggesting that the following uses would not called out as prohibited in the overlay district:

C.2	Building Contractor yards
D.1	Primary manufacturing ind.
D.2	Other manufacturing fabrication
D.3	Materials research and testing
D.6	Research and Development
E.4	Truck or rail terminal
E.5	Bulk fuel storage for distribution
E.6	Airports, air terminals
E.11	Solid waste/resource recovery

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov



H.6.1 Domestic laundry and cleaning

H.6.8 Industrial launderers, dyers

These uses are not currently allowed in any zoning district within the watershed area. The provisions of the 4th change would help protect against future problems with these uses.

- 4) We are recommending that Section 14.02 Powers and Duties of the ZBA be amended to add the following new subsection B.6:

“6. Any proposed non-residential variance request located within the Lake Massabesic Protection Overlay District shall be forwarded to the Manchester Water Works for comment prior to the hearing on the variance.”

Other comments:

- a) While there was some concern about the term “domestic laundry...”, this phrase in the Zoning Ordinance does not apply to household laundry in residential dwellings. In any event, this section is being eliminated from the proposed ordinance.
- b) An Alderman asked for information on the schedule for new sewers in the Candia Road area. The MWW is contacting the Public Works Department for a schedule and will have it available for the aldermen.
- c) We have attached a listing of various business uses that would still be allowed in the B-2 zoning district were the proposed ordinance approved.
- d) We have attached a map of the watershed overlay area for each of the Aldermen.

I will be available to the Committee to review this matter if you have any questions.

Sincerely,



Robert S. MacKenzie

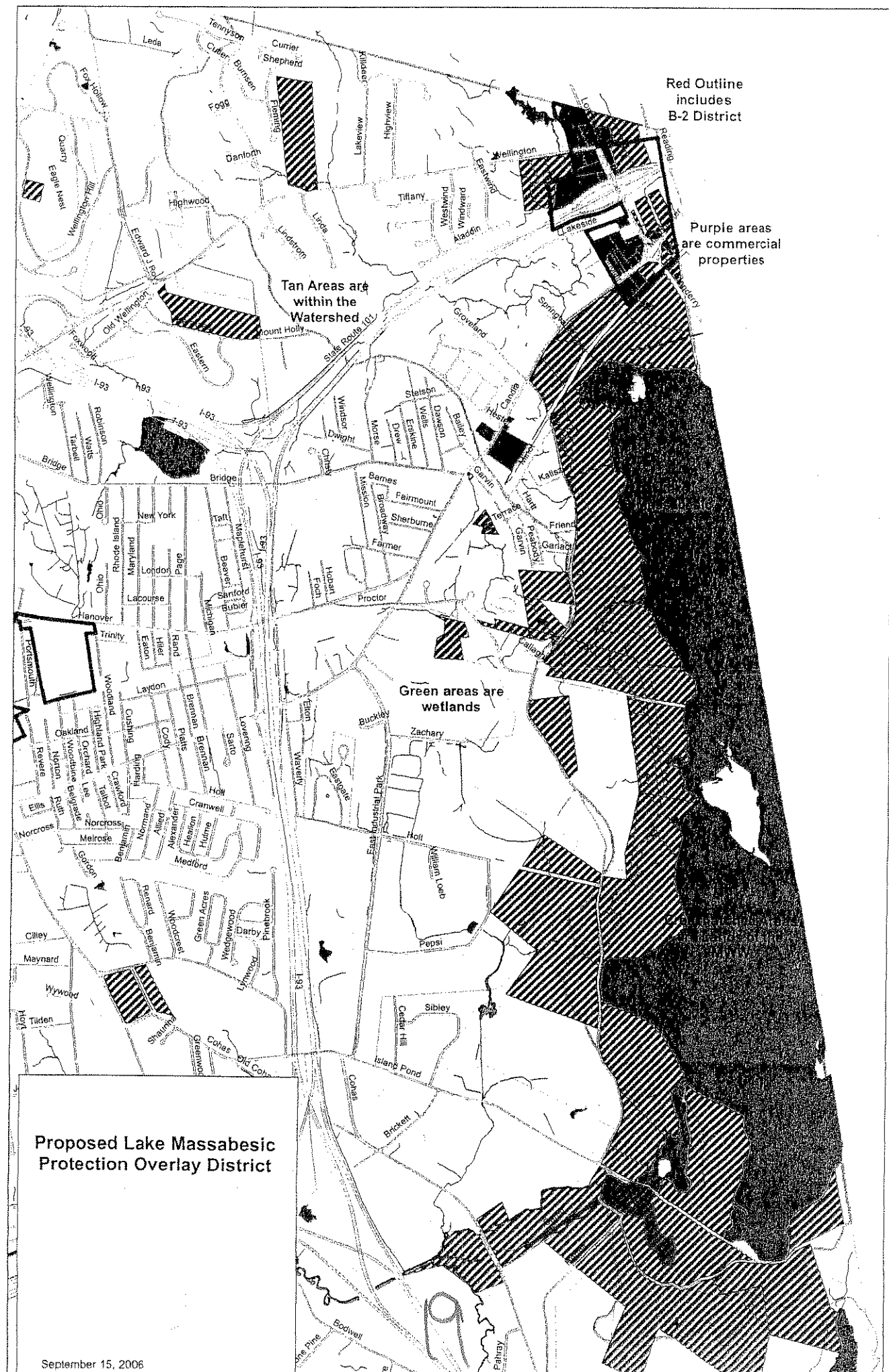
Director of Planning and Community Development

C: Tom Bowen
Leon LaFreniere

The following principal uses would be permitted, either by right or with a Conditional Use Permit from the Planning Board, on property zoned B-2 within the proposed Lake Massabesic Protection Overlay District:

- Dwellings in upper stories of building with commercial first floor (A.8)
- Congregate housing (A.10)
- Commercial kennel (B.5)
- Veterinary hospital (B.6)
- Printing & Publishing (D.5)
- Limousine or taxi service (garage) (E.2)
- Warehousing or wholesale storage & distribution facilities (E.3)
- Telecommunications Towers (freestanding) (E.7)
- Telecommunications Antennae (on existing structures) (E.8)
- Radio/TV stations, offices, studios (E.9)
- Telephone, telecommunications & cable service operations & maintenance facilities (E.10)
- Essential public services, utilities & appurtenances (E.12)
- Building construction materials, nursery products, garden centers, manufactured housing, and similar retail uses with extensive outside storage of inventory (F.1)
- Furniture & major appliance stores (F.2)
- Convenience retail uses including grocery, delicatessen, drug store & similar uses in establishments of up to 8,000 square feet (F.3)
- Convenience retail uses including grocery, delicatessen, drug store & similar uses in establishments greater than 8,000 square feet (F.4)
- Sales of general goods & merchandise within an establishment of up to 8,000 square feet (F.5)
- Sales of general goods & merchandise within an establishment greater than 8,000 square feet (F.6)
- Restaurants of up to 5,000 square feet, serving alcoholic beverages (G.1)
- Restaurants greater than 5,000 square feet, serving alcoholic beverages (G.2)
- Night clubs & other establishments (G.3)
- Establishment of up to 5,000 square feet, not serving alcoholic beverages, and without drive-through service (G.4)
- Establishment greater than 5,000 square feet, not serving alcoholic beverages, and without drive-through service (G.5)
- All establishments with drive-through service (G.6)
- Banking, financial, real estate & insurance offices (H-1.1)
- Other business & professional offices (H-1.2)
- Offices of health care practitioners & outpatient health care (H-2.1)
- Nursing homes, rehabilitation & convalescent centers providing 24-hour nursing care (H-2.3)

- Medical & dental laboratories (H-2.4)
- Hotels, motels & extended stay facilities (H-3.1)
- Conference, trade or convention center (H-3.3)
- Theaters, cinemas & concert halls (H-4.1)
- Amusement arcade & dance hall (H-4.2)
- Dance or music studios & schools (H-4.3)
- Bowling centers & billiard halls (H-4.4)
- Mini-golf (H-4.8)
- Competitive sports facility with spectator seating (H-5.1)
- Indoor health & fitness center, pool, gym or membership recreation center (H-5.2)
- Outdoor recreation facility, golf course, or membership sports club (H-5.3)
- Photographic studios (H-6.2)
- Beauty & barber shops, tailors, shoe repair & shoeshine parlors (H-6.3)
- Watch, clock, jewelry, home furnishings & small appliance repair (H-6.4)
- Photo labs, media & mailing services, copy centers, sign shops (H-6.5)
- Self-service storage facility (H-6.6)
- Funeral parlors & crematories (H-6.7)
- Large appliance repair, furniture repair or upholstery shop (H-6.9)
- Equipment rental & leasing (H-6.10)
- Business equipment repair & maintenance (H-6.11)
- Tattoo Parlors (H-6.12)
- Commercial parking garage (I.7)
- Commercial surface parking lot (I.8)
- Elementary or secondary school, including recreation facilities (public) (J.1)
- Public or private college or university, including dormitories (J.3)
- Business & trade schools (J.4)
- Cultural facilities, such as museums & libraries (J.5)
- Commercial child daycare facilities (J.6)
- Adult daycare facilities (J.7)
- Membership fraternal & social organizations & clubs (J.8)
- Churches (J.9)
- Monasteries & convents (J.10)
- Cemeteries (J.11)
- Ambulance & emergency services (J.11)
- Municipal facilities (J.13)





MANCHESTER WATER WORKS

281 LINCOLN ST., MANCHESTER, NEW HAMPSHIRE 03103-5093 Tel. (603) 624-6494

RECEIVED
SEP 19 2006
CITY WORKS OFFICE

BOARD OF WATER COMMISSIONERS
E. ARTHUR SOUCY
President
DONALD P. COUTURIER
Clerk
JAMES W. CRAIG
PATRICIA H. CORNELL
RICHARD M. BUNKER
LOUIS C. D'ALLESANDRO

Ex Officio
HON. FRANK C. GUINTA
Mayor

THOMAS M. BOWEN, P.E.
Director and Chief Engineer

ROBERT BEAURIVAGE, P.E.
Asst. Director

September 15, 2006

Mr. Robert S. MacKenzie, AICP, Director
City of Manchester
Planning and Community Development
One City Hall Plaza
Manchester, NH 03101

RE: LAKE MASSABESIC ZONING OVERLAY DISTRICT

Dear Bob:

As a follow up to the public hearing of August 21, 2006, and our recent meeting, Manchester Water Works has reviewed the comments made by members of the Board of Mayor and Aldermen and the public that testified at the meeting, as well as those that submitted written testimony, and offers the attached revisions which we believe will address many of the concerns raised at the meeting, while at the same time providing a significant level of protection to the Lake Massabesic watershed from future development within such close proximity to Lake Massabesic.

Many of the restricted uses that were identified, specifically items C-2, D-1, 2, 3 and 6, E-4, 5, 6 and 11 and H-6.1 and 6.8 are all uses which are currently not permitted within the five current zoning areas which make up the Lake Massabesic watershed. As they are already prohibited uses within the district, Manchester Water Works would propose to remove them from consideration and we have proposed language that would require formal notification to Manchester Water Works of all non-residential zoning petitions filed within the Lake Massabesic Zoning Overlay District so that we would be able to participate in the review and discussion with regard to such uses in the future.

With regard to the issue of impervious surfaces and the discussion that ensued relative to driveways, Manchester Water Works would offer that residential properties less than or equal to 12,500 square feet, which is the minimum lot size for the majority of the residential zone, would be exempt from the 50-foot prohibition. For these smaller lots within the district, the 25-foot prohibition that currently exists would prevail.


The remaining prohibitions, items I-1, 2, 3, 4, 5, 6 and M 2, 3, which primarily relate to the repair of automobiles, boats, heavy equipment and automobile service stations and car washes are proposed to remain as prohibited uses and we would offer as justification, the documented cases which currently exist of contamination in and around the Lake Massabesic Traffic Circle,

Mr. Paul S. MacKenzie
September 15, 2006
Page Two

as well as a letter of support from Mr. Paul Susca, Source Water Protection Coordinator for the New Hampshire Department of Environmental Services. According to the letter, such prohibitions are featured prominently in model ordinances as proposed for the protection of drinking water supplies by both the NHDES and the USEPA.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Tom Bowen".

Thomas M. Bowen, P.E.
Director

TMB:ds

September 14, 2006

Thomas M. Bowen, P.E.
Director
Manchester Water Works
281 Lincoln St
Manchester NH 0310

Subject: Land use restrictions for water supply protection

Dear Tom,

I was pleased to hear about the progress Manchester Water Works has made toward implementing land use restrictions to protect Lake Massabesic. Land use restrictions, both watershed-wide and within critical buffer areas along water bodies and tributaries, are a well established means of protecting water supply watersheds. The City is to be commended for its foresight in implementing such protection in order to maintain Lake Massabesic's water quality.

In April 2000, the New Hampshire Department of Environmental Services published *Model Rule for the Protection of Water Supply Watersheds*. This model rule includes a number of land use restrictions within several hundred feet of a water supply and its tributaries, including:

- Servicing, washing, or repair of boats or motor vehicles,
- Junk yards or salvage yards,
- Application of septage, sewage sludge, animal manure, or fertilizer,
- Storage of liquid petroleum products (excluding normal residential use and on-premise heating fuel),
- Generation, storage, use, treatment, or disposal of hazardous waste,
- Storage or disposal of solid waste,
- Storage of road salt or de-icing chemicals,
- The rule generally includes exceptions for normal residential use.

Land use restrictions are also a recurring theme in U.S. Environmental Protection Agency's *Protecting sources of drinking water: Case studies in watershed management* (April 1999). In addition, the model surface water ordinance for water supply protection on USEPA's website (<http://www.epa.gov/owow/nps/ordinance/mol7.htm#surfacewater>) discusses inclusion of the entire watershed as well as a tiered approach to buffer zones. The eight land uses prohibited in EPA's model ordinance are:

- Automobile service stations,
- Junkyards,
- Disposal of hazardous materials or solid wastes,
- Storage or production of hazardous materials,

- Treatment of hazardous material,
- Dry-cleaning, dyeing, printing, photo processing and any other business that stores, uses, or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous materials and have undergone an inspection to certify they are in compliance within hazardous material regulations.
- Disposal of septage or septic sludge,
- Other uses as specified by the (local government authority) as potential contaminating activities.

Once again, Manchester Water Works is one of the more proactive large water systems in New Hampshire in terms of source water protection, and the City of Manchester is to be commended for their foresight in protecting their water supply source. Please feel free to contact me if I can be of assistance.

Sincerely,

Paul Susca
Source Water Protection Coordinator

LAKE MASSABESIC ZONING OVERLAY DISTRICT

Add the following statement to the proposed Section IV Article 7:11 B
The Manchester Water Works will receive formal notice of all non residential zoning petitions filed within the District.

C. Prohibitions within the Lake Massabesic Protection Overlay District

1. Regardless of the underlying zone, the following land uses, as listed in Article 5.10 Table of Principle Uses and Table 5.11 Table of Accessory Uses are deemed incompatible with the intent of and prohibited in the District:

Use No.	Use	WATERSHED CURRENT ZONING RESTRICTIONS (reference only)				
		R-S	R-1A	B-2	C-2	CV
I.1	Sales or rental of motor vehicles	---	---	P	---	---
I.2	Sales, rental, repair of boats, etc	---	---	P	---	---
I.3	Sales, rental, repair of heavy eq.	---	---	CU	---	---
I.4	Automotive repair	---	---	P	---	---
I.5	Automotive service station	---	---	P	---	---
I.6	Carwashes and car care centers	---	---	P	---	---
M.2	Accessory outside storage ind	P	---	SE	SE	---
M.3	Accessory manufacturing use	---	---	P	---	---

2. In addition, the following restrictions and/or prohibitions of land uses apply within 50 feet of waterways or wetlands in the Lake Massabesic Protection Overlay District: No impervious surfaces (driveways, parking lots, roads, etc) except on residentially zoned lots less than or equal to 12,500 square feet in which case 25 feet shall prevail.

WATERSHED CURRENT ZONING RESTRICTIONS (reference only)						
Use No.	Use	R-S	R-1A	B-2	C-2	CV
C.2	Building contractor yards	---	---	---	---	---
D.1	Primary manufacturing ind.	---	---	---	---	---
D.2	Other manufacturing fabrication	---	---	---	---	---
D.3	Materials research and testing	---	---	---	---	---
D.6	Research and Development	---	---	---	---	---
E.4	Truck or rail terminal	---	---	---	---	---
E.5	Bulk fuel storage for distribution	---	---	---	---	---
E.6	Airports, air terminals	---	---	---	---	---
E.11	Solid waste / resource recovery	---	---	---	---	---
H-6.1	Domestic laundry and cleaning	---	---	---	---	---
H-6.8	Ind. launderers, dyers	---	---	---	---	---

These uses would only be permitted subject to standard action of the Planning and Zoning Boards.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety and Traffic respectfully recommends, after due and careful consideration, that the Board of Mayor and Aldermen discuss approval of Saturday parking fees.

Aldermen Osborne, Shea and Roy voted yea. Alderman Long opposed. Alderman O'Neil absent for vote.

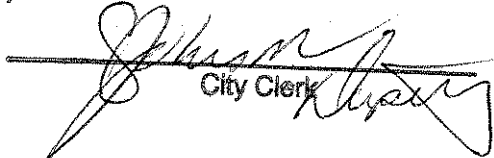
At a meeting of the Board of Mayor and Aldermen

held 10/3/2006 on a motion of Ald. Lopez

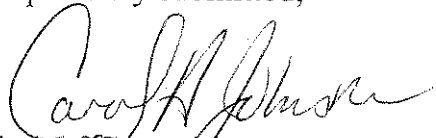

duly seconded by Ald. Garrity the report
of the Committee was accepted and its recommendations

~~(adopted)~~ (denied)

TABLED


City Clerk

Respectfully submitted,


Clerk of Committee


To the Board of Mayor and Aldermen of the City of Manchester:

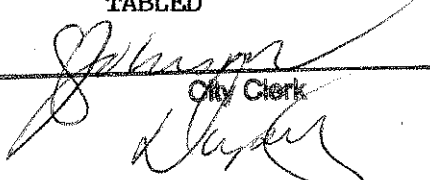
The Committee on Public Safety and Traffic respectfully recommends, after due and careful consideration, that the residential parking permit program be extended to include 1382-1414 Elm Street and 1426-1470 Elm Street and for such purpose an Ordinance is submitted with the recommendation that same be referred to the Committee on Bills on Second Reading for technical review.

Aldermen O'Neil, Shea and Long in favor. Alderman Osborne opposed. Alderman Roy abstained.


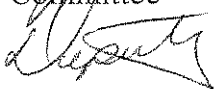
Presented to the Mayor and Aldermen

on 10/3/2006 on a motion of Ald. Thibault
duly seconded by Ald. Forest the report
of the Committee was accepted and its recommendations
(adopted) (denied)

TABLED


City Clerk

Respectfully submitted,


Clerk of Committee


City of Manchester New Hampshire

In the year Two Thousand and

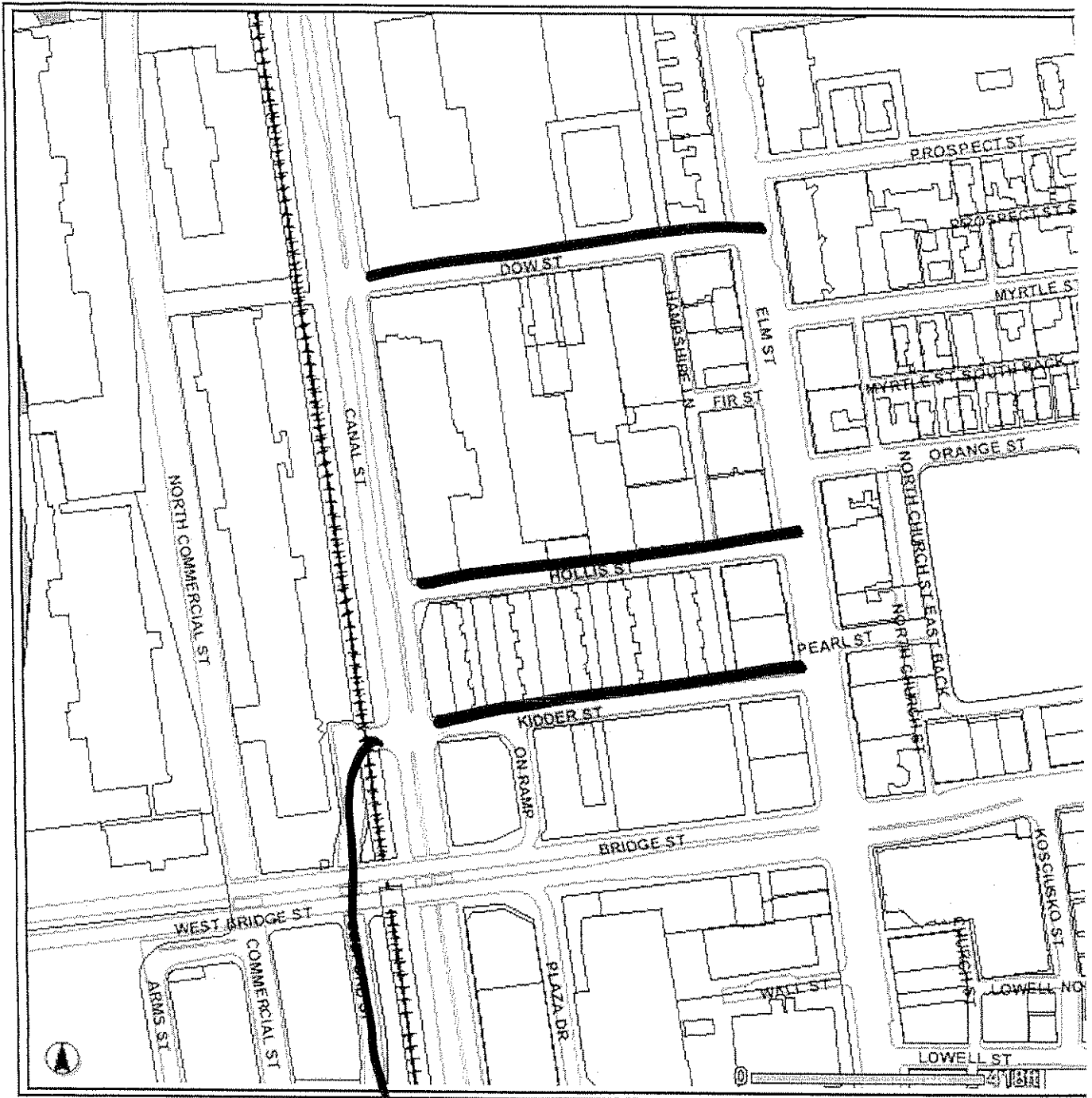
AN ORDINANCE

"Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by amending Section (D) (1) Residential Parking Permit Zone #1, by including residences and parking areas relating to 1382-1414 Elm Street and 1426-1470 Elm Street."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amending Section 70.55, Residential Permit Parking, Section (D)(1) by inserting new language as bolded (**bold**). Sections of Chapter 70.55 not reflected remain unchanged.
 - (D) Residential Parking Permit Zones. The following areas are hereby designated as the Residential Parking Permit Zones:
 - (1) Residential Parking Permit Zone #2.
 - (a) Area consisting entirely of the Amoskeag Corporation Housing historic District (as defined in the Manchester Zoning Ordinance) which is an area bounded generally by Mechanic Street on the north, Pleasant Street on the south, Franklin Street on the east, and Canal Street on the west, but not to include Franklin Street and Canal Street except for 287,633,635, 641,643,647,649, 657, and 659 Canal Street. The north side of Mechanic Street and the south side of Pleasant Street shall not be included in the program.
 - (b) Kidder, Hollis and Dow Streets
 - (c) Bedford Street from Kidder Street southerly to Pleasant Street.
 - (d) **Elm Street west side from Dow to Langdon Street provided addresses only of 1382-1414 and 1426-1470 Elm street shall be permitted.**
- II. Resolved, this Ordinance shall take effect upon its passage.

21



ZONE 1
"GOLD"

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety and Traffic respectfully recommends, after due and careful consideration, that two metered parking spaces adjacent to the Manchester Information Center on Merrimack Street be reserved for use by the Granite State Ambassadors.

The Committee notes that meters will be bagged for such purpose.

Unanimous vote.

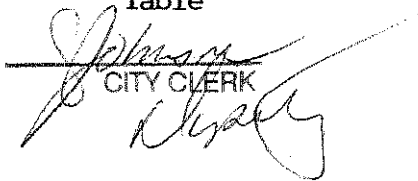
BOARD OF MAYOR & ALDERMEN

DATE: 10/3/2006


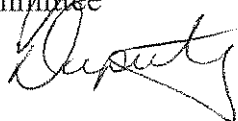
ON MOTION OF ALD. Shea

SECONDED BY ALD. Garrity

VOTED TO Table


CITY CLERK

Respectfully submitted,

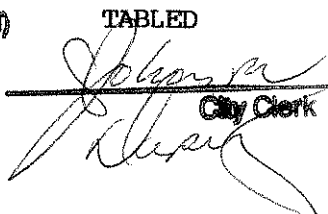

Clerk of Committee


To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety and Traffic respectfully recommends, after due and careful consideration, that the City hire a Compliance Officer to support Solid Waste issues for the Highway Department.

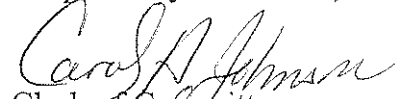
Unanimous with exception of Alderman O'Neil who was absent from the vote.

Meeting of the Board of Mayor and Aldermen
held 10/3/2006 on a motion of Ald. Lopez
duly seconded by Ald. Garrity
of the Committee was accepted and its recommendation
~~(adopted)~~ (denied) **TABLED**



City Clerk

Respectfully submitted,


Clerk of Committee
